



Interviewing & Interrogation

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What does it take?



- “Relentless”



ELO 1

CONDUCT AN EFFECTIVE INTERVIEW



- Are you an **effective** interviewer?
- Being an effective interviewer is a **LEARNED BEHAVIOR**

An estimated **2%** of arson offenses lead to convictions.



Interview

A conversation in which facts or statements are elicited from another.

<https://www.wordnik.com/words/interview>



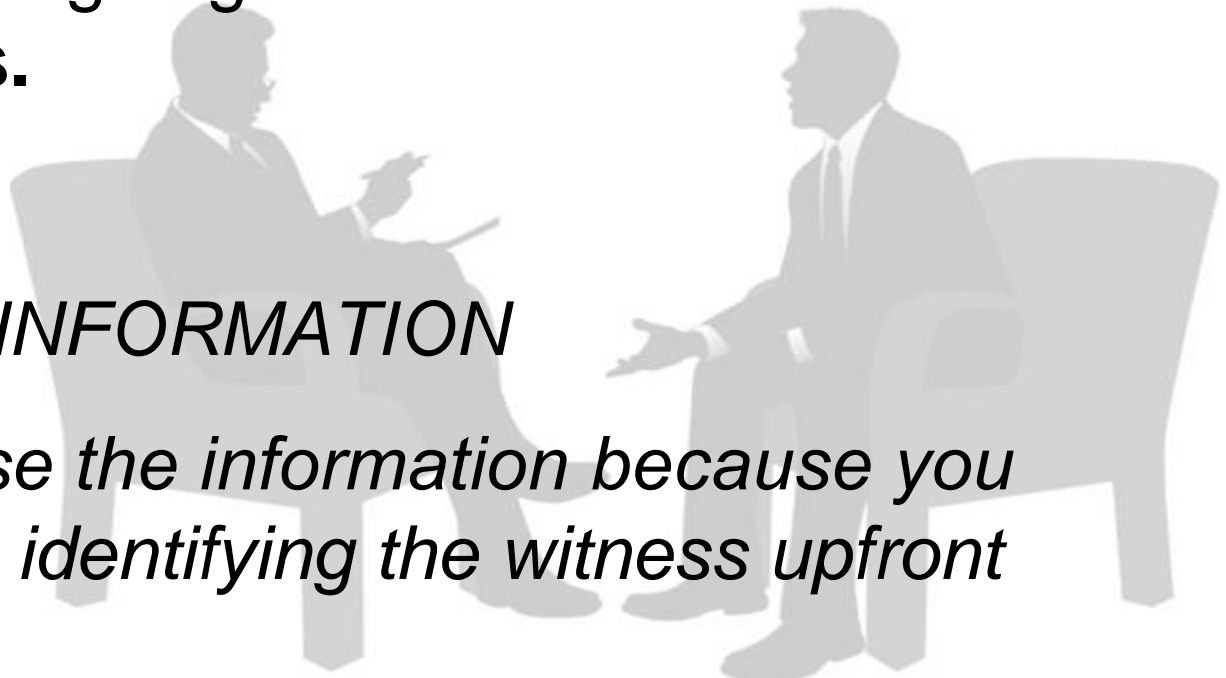
Purpose of an Interview

- To gather and test the validity of information in order to determine the particulars of the event under investigation.
- To identify other witnesses, suspects and victims.



Conventional interview

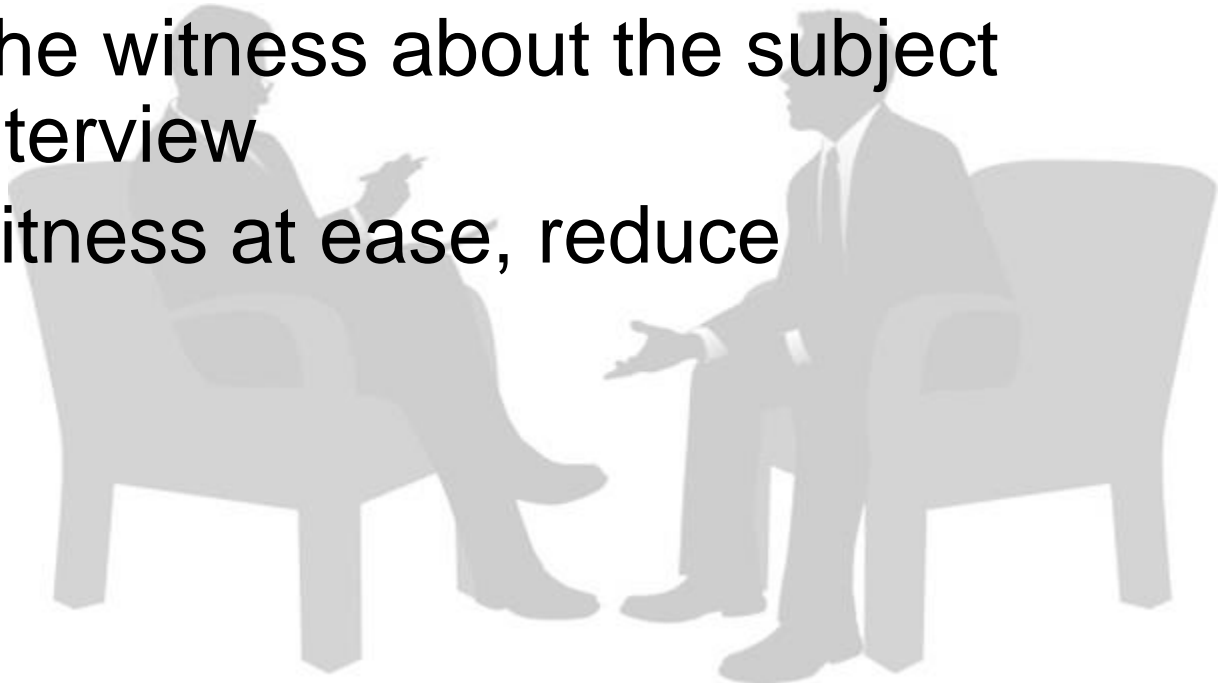
- INTRODUCE Yourself
- Make the witness feel comfortable by saying that you are going to **talk to all of the neighbors.**
- Then:
 - *Get the INFORMATION*
 - *Don't lose the information because you insist on identifying the witness upfront*





Conventional Interview (*cont*)

- Warm-up period
 - **Identify the witness**
 - Inform the witness about the subject of the interview
 - Place witness at ease, reduce anxiety





Conventional interview (*cont*)

- Wrap-up
 - At the end, go over the answers
 - Ask if anything was left out
 - **Identify the witness**





Conventional interview (*cont*)

- Make them feel comfortable that you have no intentions of getting them involved...
- *In other words **LIE** ... You are allowed!*
- Initial questions should all be open ended.

WHAT did you see tonight?



Structured interview – Frazee three-step process

1. Respondent tells the story in their own way
 - Take notes
 - Minimize interruptions
 - If must clarify, repeat what the respondent said, phrasing it as a question



Structured interview – Frazee three-step process

2. Officer uses notes to guide the respondent in retelling the story chronologically (step by step)
 - Take notes
 - Maintain a logical sequence
 - Focus on the important aspects (what may be evidence)
 - Challenge respondent when necessary
 - Bring up missed topics but *don't suggest what to say*

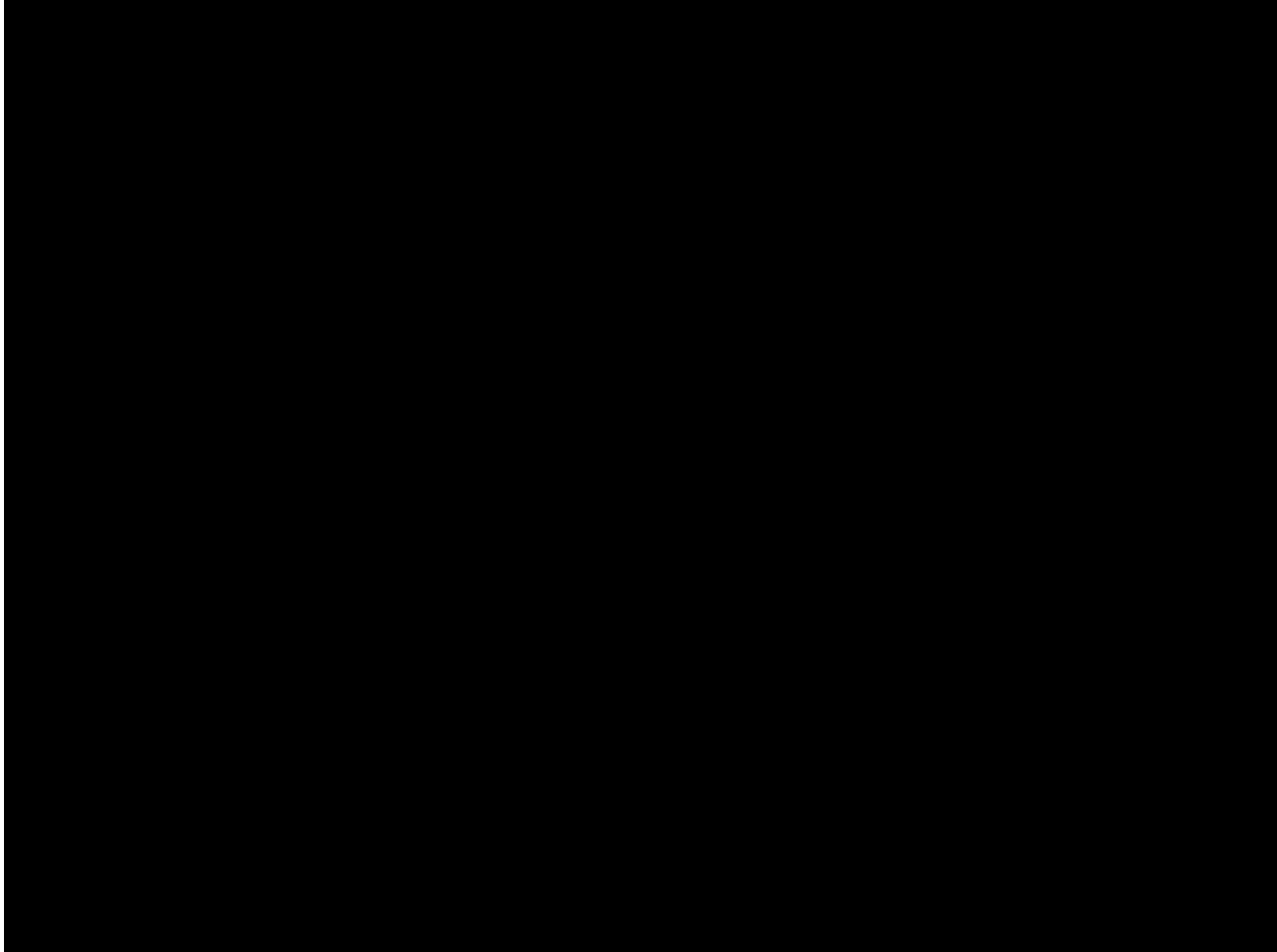


Structured interview – Frazee three-step process

3. Officer reads back finalized notes
 - Encourage challenges to your retelling
 - Make corrections and read them back for concurrence



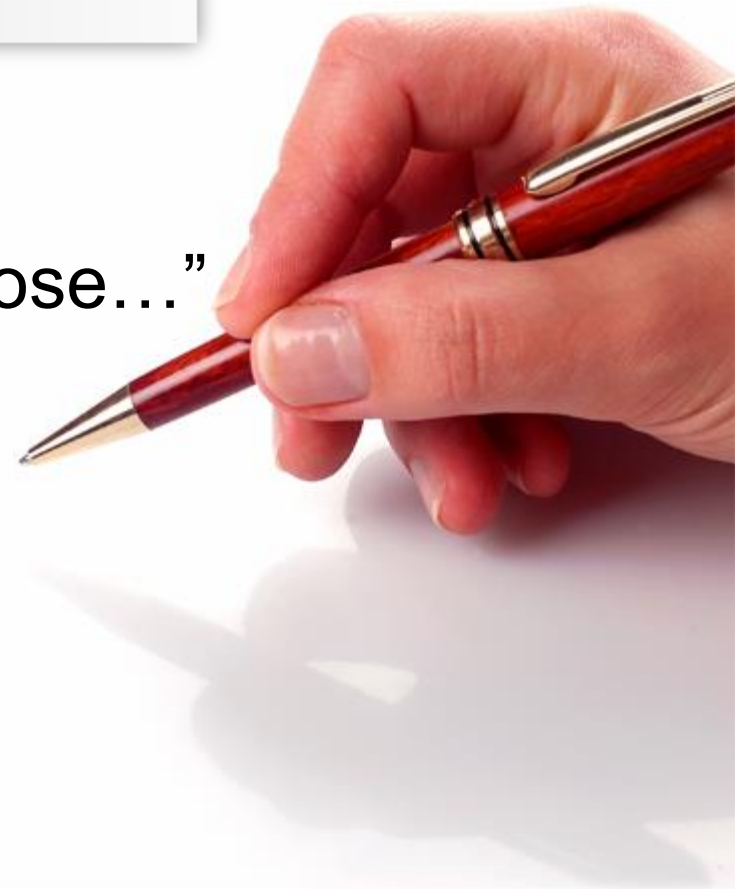
Reid tape 1





Structure of the Interview

- An Eight Step Process
- "...a conversation with a purpose..."





Step 1 – Preparation

- What's your objective?
- Review the case.
- Know the elements of the crime.
- Know the interviewee.
- Where will you be located?
- Who will participate?
- When will it happen?
- What will you tell the interviewee?



Step 3 – Rapport Building

- The establishment of non-threatening common ground between the interviewer and interviewee.





Step 6 – Catch All Question

- “Is there anything else that I should be aware of?”
- “Is there anything I forgot to ask?”
- “Is there anything else you’d like to tell me?”
- “If you were the investigator, what would you like to know?”



Step 7 – Departure

- How they can contact you
- How you can contact them
- Lay the foundation for re-contact
- Leave a positive impression



Questions?



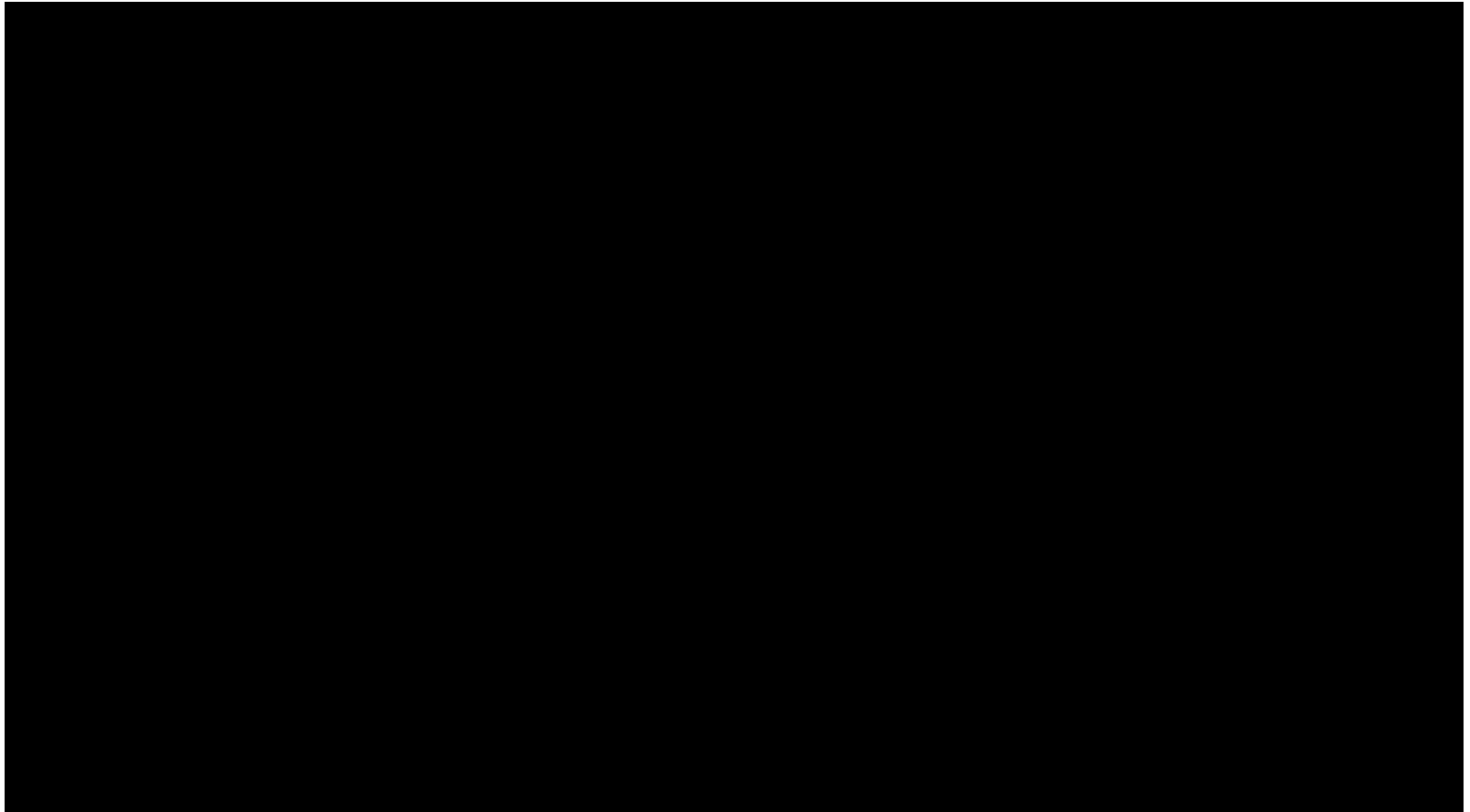


ELO 2

ESTABLISHING RAPPORT AND CONTROL



Dateline: Infatuation





Control During the Interview

- **Talking** is not control
- Strongest control is **Rapport**





Rapport

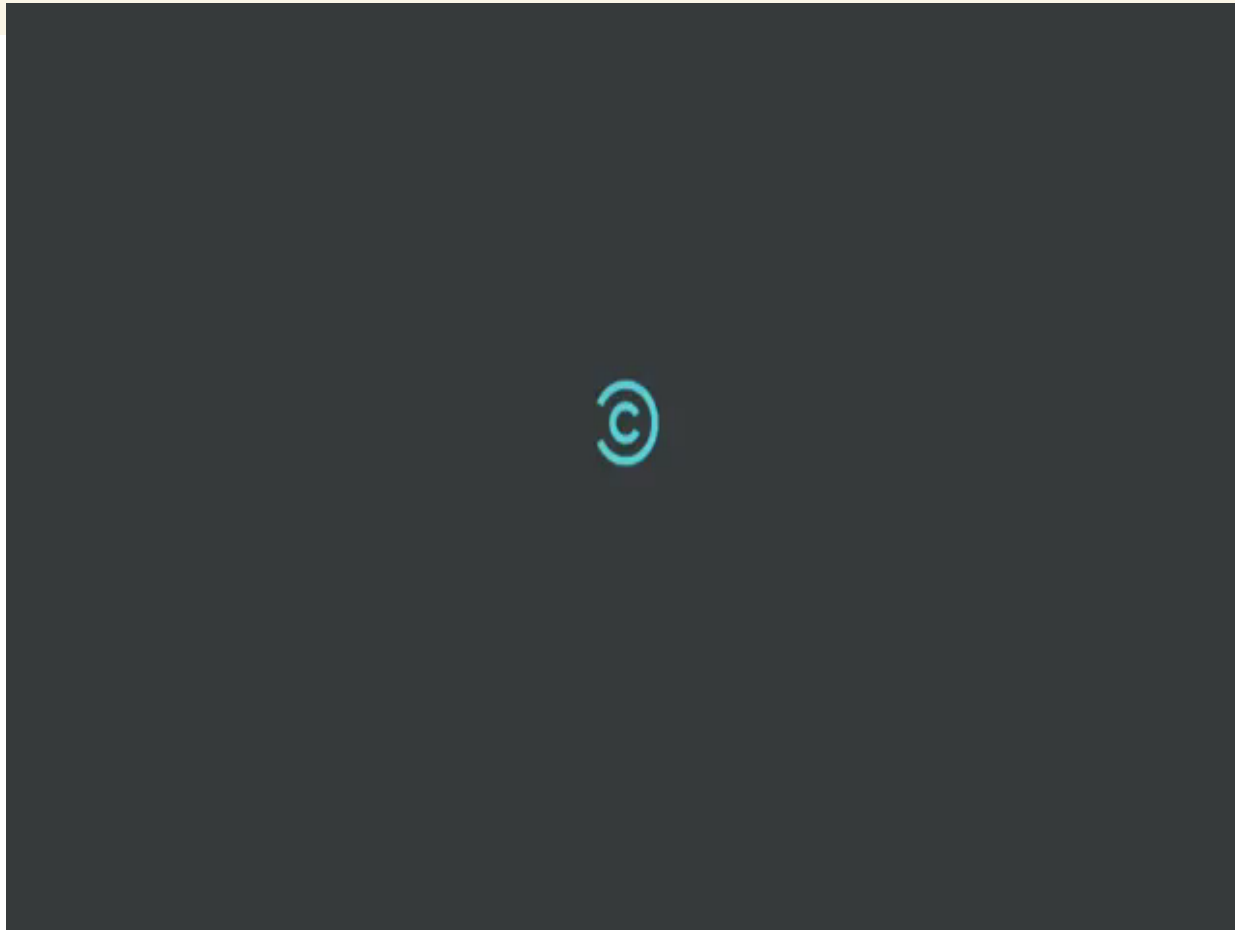
1. a relationship of mutual understanding or trust and agreement between people.
2. a harmonious, empathetic, or sympathetic relationship or connection to another self.

<http://www.thefreedictionary.com/rapport>



Natural Rapport

- Commonality or common interests
- Socio-economic status
- Moral values



**How NOT to build rapport
(Go ahead Carvelle)**



Initiating Rapport

—Mirroring

- Subtly imitating the other person's body positions and movements
- Matching speech
- Adopting the other persons primary representational mode



Initiating Rapport

– Leading

- Changing body position to lead other person
- Changing speech patterns
- Changing attitudes and objections
- Assessing degree of established rapport



Initiating Rapport

– Anchoring

- The strategic touching of another human being (physically, mentally, verbally or spatially) to obtain a desired effect
- Can be used to increase or reduce anxiety



Questions?





ELO 3

DETECT DECEPTION IN SUBJECT STATEMENTS



Identifying Normal Behavior

- Calibrating or **Norming** the person
 - Utilizing personal histories, etc.
 - Establishing pattern of answering
- Observing normal behavior
 - Noting truthful behavior

Deception Indicators

- Non-Verbal
- Verbal





Deception Indicators

- Non-Verbal (Body Language)
 - When a person experiences conflict, they become tense
 - Increase in tension makes them become unstable
 - To reduce tension, they have to expend the energy
 - Movement is the best way to expend energy in order to reduce tension



Non-Verbal Deception Indicators

Truthful person

- Appears at ease
- Good eye contact
- Sits upright/leans forward
- Attentive and alert
- Arms opened
- Sits still or changes position smoothly
- Sincere expressions

Deceptive Person

- Appears anxious
- Poor eye contact
- Posture changes, slouches
- Yawns, sighs
- Crossed arms
- Very rigid, nervous movements
- Blinking
- Scratching, twisting hair, rubbing, etc.
- Covers mouth, dry mouth, swallowing
- Feet tucked under chair



Behavioral Symptoms

- People Develop Idiosyncrasies
 - More pronounced at stress and anxiety
 - Questions/stimuli induce stress
 - Deception can be observed in reactions



Behavioral Symptoms

Non-Verbal

- Analyze Changes of Behavior
- Clusters of Changes
 - Breathing rates
 - Postural shifts
 - Skin color





Behavioral Symptoms

Non-Verbal

- Other Interviewing Techniques of Note
 - Good Cop, Bad Cop
 - Good Cop, Sleepy Cop





Behavioral Symptoms

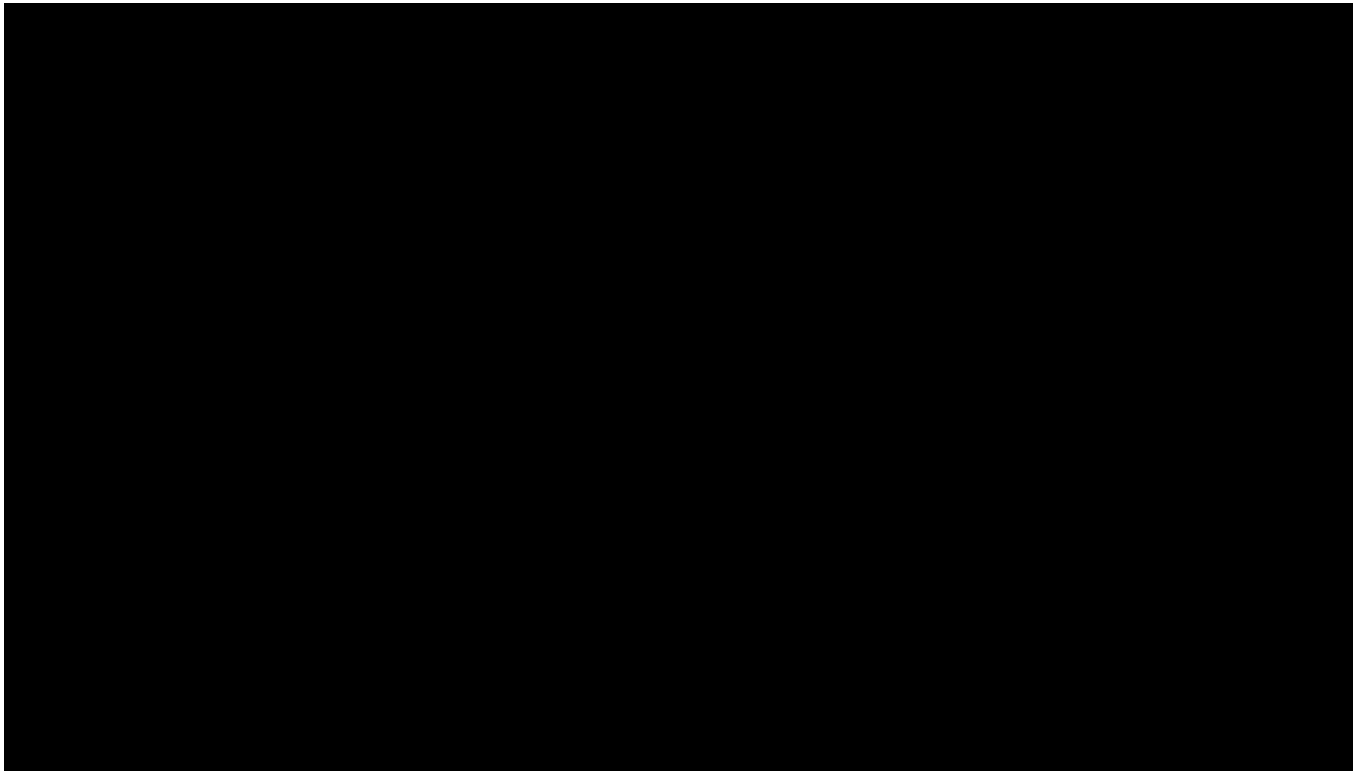
Non-Verbal

- Leakage
 - Saying “yes” but shaking head no
 - Showing contempt with a smirk but acting if cooperative
 - Micro-shrugs
 - Shoulder shrugs that do not fit
 - “Brushing off” motion with hand





DATELINE Travis Forbes





Behavioral Symptoms

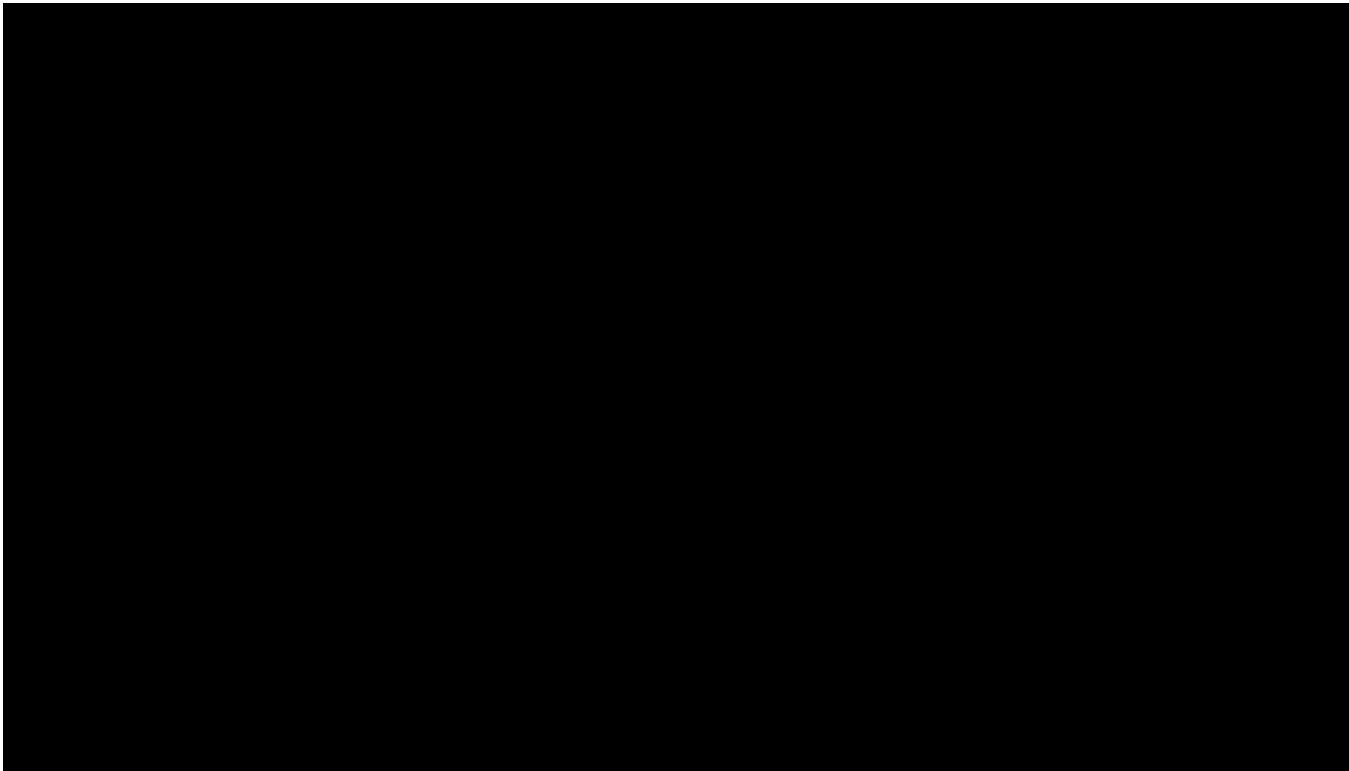
Non-Verbal

- Analyze Changes of Behavior
- Clusters of Changes
 - Voice tone/tempo
 - Muscle tone
 - Hand/arm/shoulder movements
 - Eye movements





DATELINE Travis Forbes





Behavioral Symptoms

Non-Verbal

- Identifying Non-verbal Indicators of Deception
 - Look for signs of emotions that do not fit what is being said.
 - Give the individual a chance to reveal themselves.





Deception Indicators

Verbal

– Hedgers

- Leaving themselves an out
 - To the best of my knowledge, as far as I know
 - I don't think so, to the best of my memory
 - Ex: To the best of my knowledge, I've never been



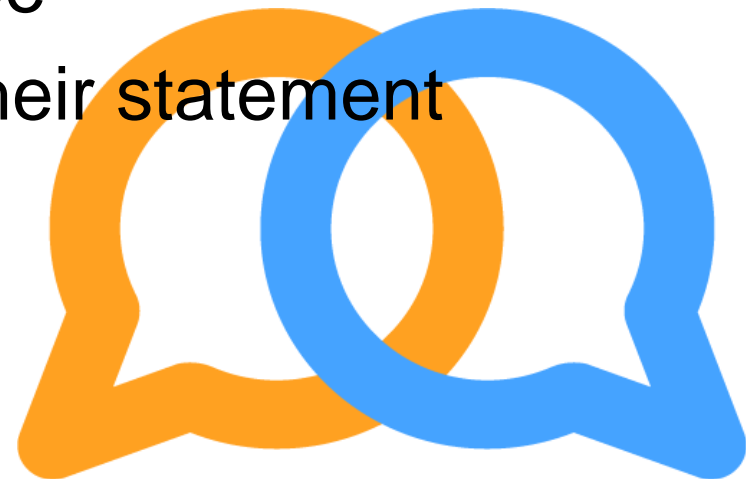


Deception Indicators

Verbal

– Modifiers

- Pretty much, kinda, about, that's about it
- Basically, probably, maybe
 - Lack of conviction to their statement





Deception Indicators

Verbal

- More **Modifiers**(likely to be followed by a lie)
 - Actually...
 - Usually...
 - Occasionally...
 - Essentially
 - Generally





Deception Indicators

Verbal

– Qualifiers

- Emotional enlistments
 - “I swear to God”
 - “I swear on my mother’s grave”
 - “To tell you the truth”
 - “Honestly, Truthfully, Frankly, Really”
 - » Lie to follow





Deception Indicators

Verbal

– Emotional enlistments

- Wife asks, “Are you cheating on me?”
- Husband, “Honey, I love you, why would any man do anything to mess that up.”

» **WDA**

- Father to son, “How did that scratch, get on the car?”
- Son, “to tell the truth, I didn’t even notice it.”

» **WDA**





Bill Clinton Interview

- **Reporter:** “Have you ever used drugs?”
- **Clinton:** “I never violated any law of my country.” WDA
- 30 days later same reporter:
 - **Reporter:** “Did you ever violate any laws of any other country?”
 - **Clinton:** “In England I smoked marijuana, but I didn’t inhale.”





Hillary Clinton Interview

- Reporter: Jimmy Carter famously said that he would never lie to the American People. Can you make that same commitment?
- Hillary Clinton: You're asking me to say 'have I ever (lied)? I don't believe I ever have. I don't believe I ever will. I am going to do the best I can to level with the American people'"





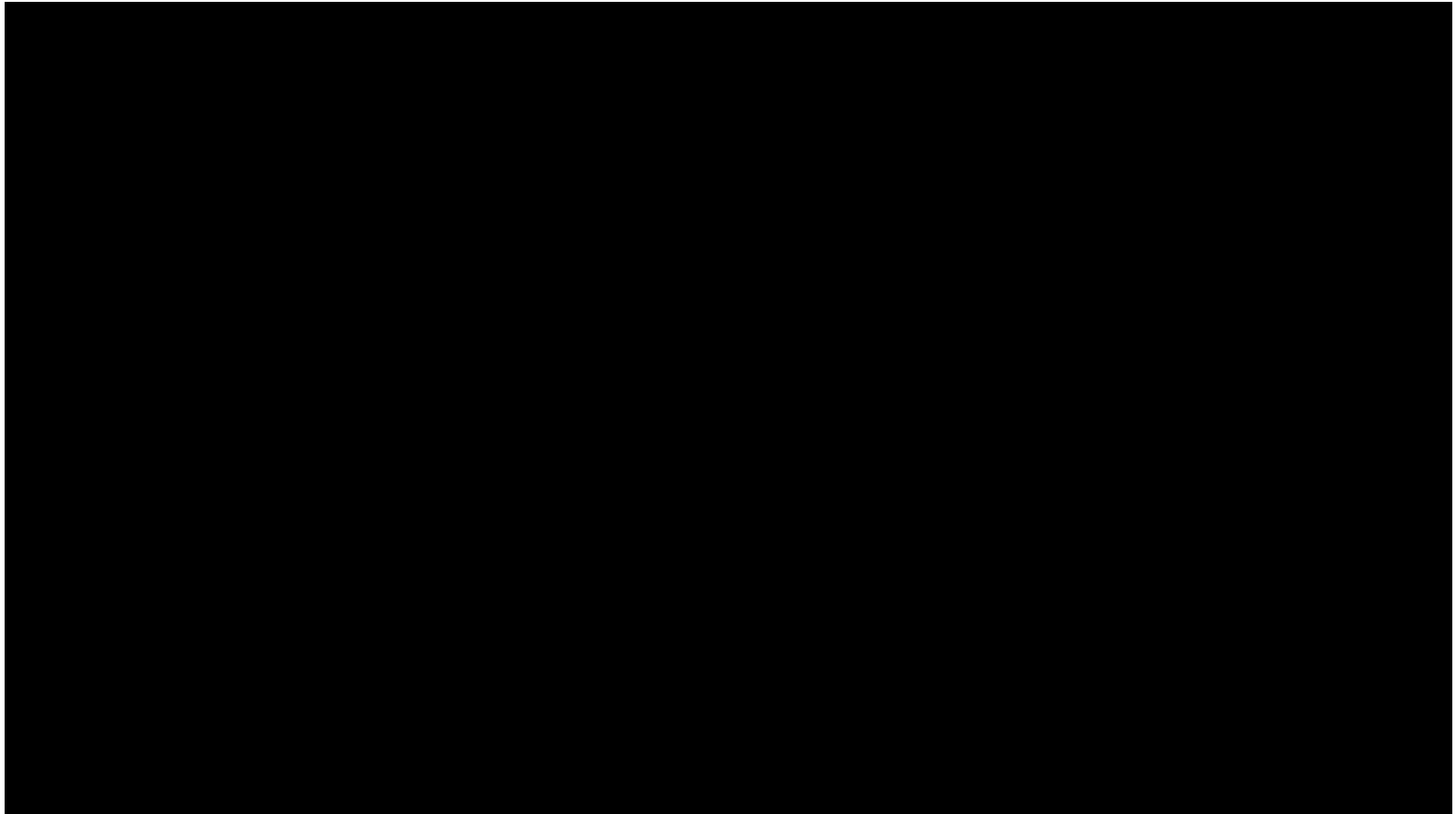
Hillary Clinton Interview

- Reporter: Jimmy Carter famously said that he would never lie to the American People. Can you make that same commitment?
- Hillary Clinton: You're asking me to say 'have I ever (lied)? **I don't believe** I ever have. **I don't believe** I ever will. I am going to **do the best I can** to level with the American people"





Bill Clinton Interview





Bill Clinton Interview

- **Jim Lehrer:** “You had no sexual relationship with this young woman?”
- **Bill Clinton:** “There is not a sexual relationship.”

Meaning ... there was one , but there is no longer a sexual relationship

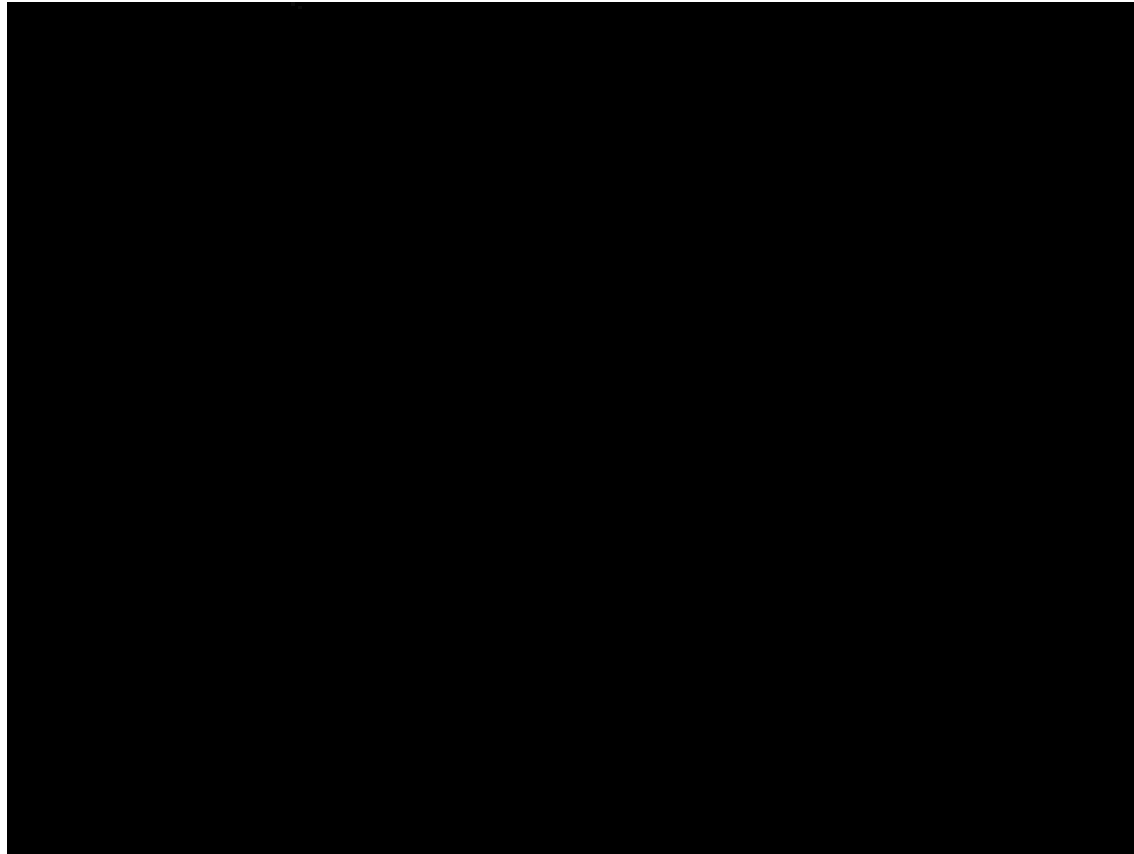




Statements that always indicate a lie:

- I did not have sexual relations with that woman. Miss Lewinsky
- I did not inhale
- I won this belt buckle in a rodeo
- I'm with the government and I'm here to help

The WIRE

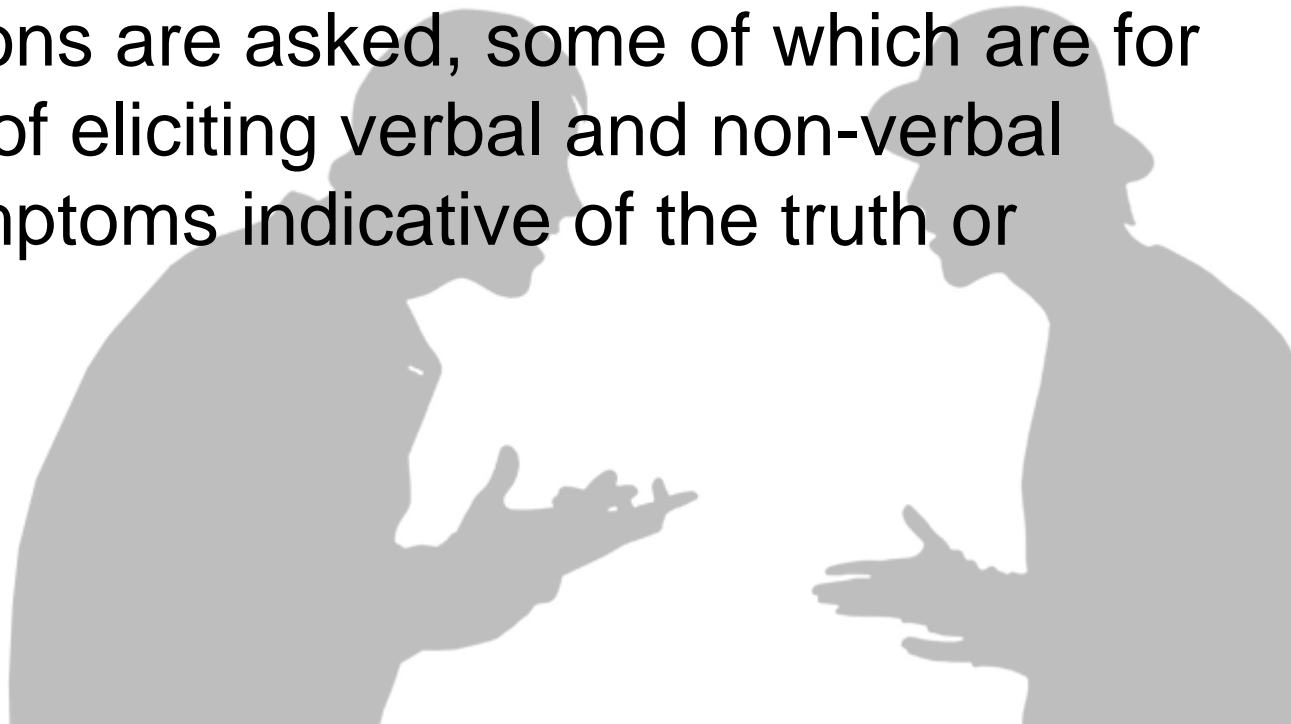




Third Party Suspect(s)

The Behavioral Analysis Interview:

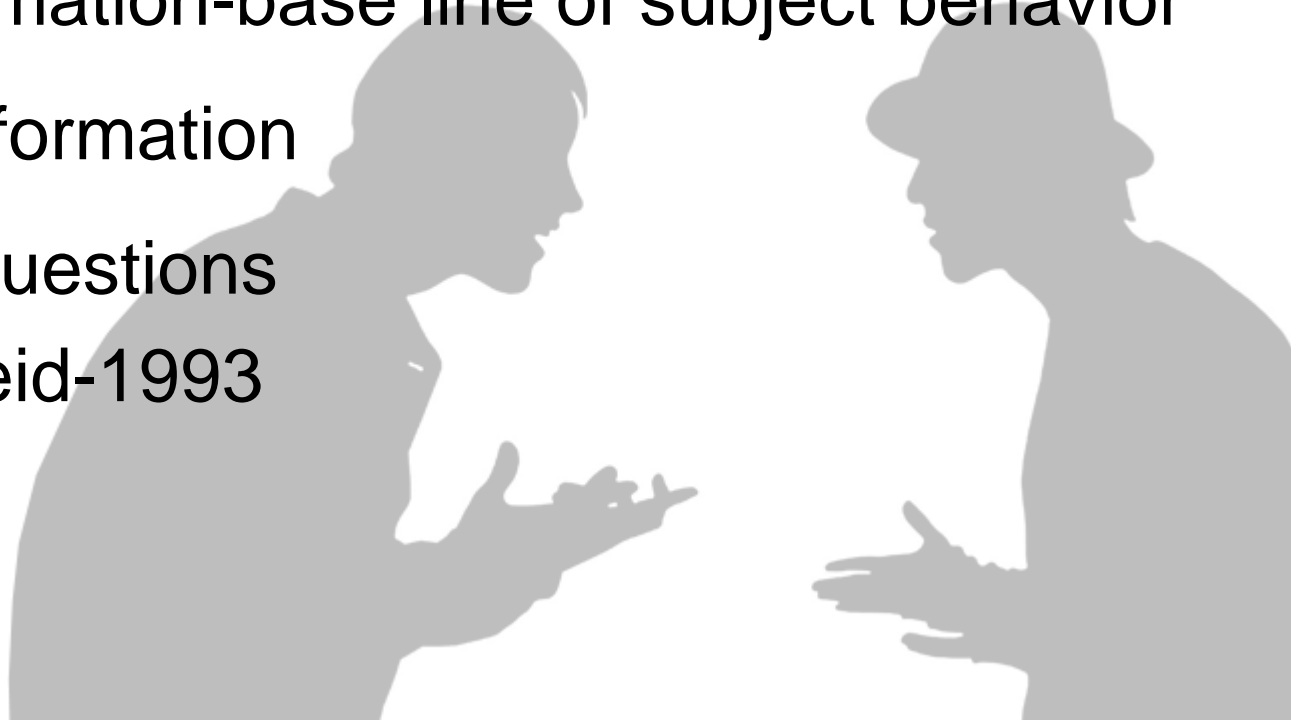
- A non-accusatory interview in which a structured set of questions are asked, some of which are for the purpose of eliciting verbal and non-verbal behavior symptoms indicative of the truth or deception





Third Party Suspect(s) The Behavioral Analysis Interview:

- Greeting-cordial and business like, rapport
- Clerical information-base line of subject behavior
 - General information
 - Behavior questions
 - » Reid-1993





Behavior Analysis Interview Questions

Obtain clerical information

Name / Address / Phone

Age / Marital Status / Dependents / Employer / Tenure

- | | |
|---------------------------|--|
| 1. (Reason) | Do you know the reason for your interview here today? |
| 2. (History / You) | We are investigating the (issue). If you had anything to do with (issue), you should tell me that now. |
| 3. (Knowledge) | Do you know who did do it? |
| 4. (Suspicion) | Is there anyone you feel may have been involved in doing this? |
| 5. (Vouch) | Is there anyone you feel you can vouch for and say you do not think they would have done this? |



Reid Behavioral Analysis Questions:

6. **(Alibi)**

Tell me what happened that day. / Tell me what you know about this matter.

 - Allow the subject to supply his account of the matter
 - Obtain a more detailed account about the incident
 - Note any inconsistencies, contradictions or unreasonable explanations
 - Determine a possible “Bait” and obtain an appropriate denial
7. **(Attitude)**

How do you feel about being interviewed concerning this matter?
8. **(Tell Family)**

Did you tell any of your family members about the reason for this investigation?
9. **(Credibility)**

Do you feel this actually occurred? / Do you think this was done deliberately?
10. **(Credibility of Accuser)**

(If subject has been accused by a victim) Why do you think this person is saying you are the one who did this?



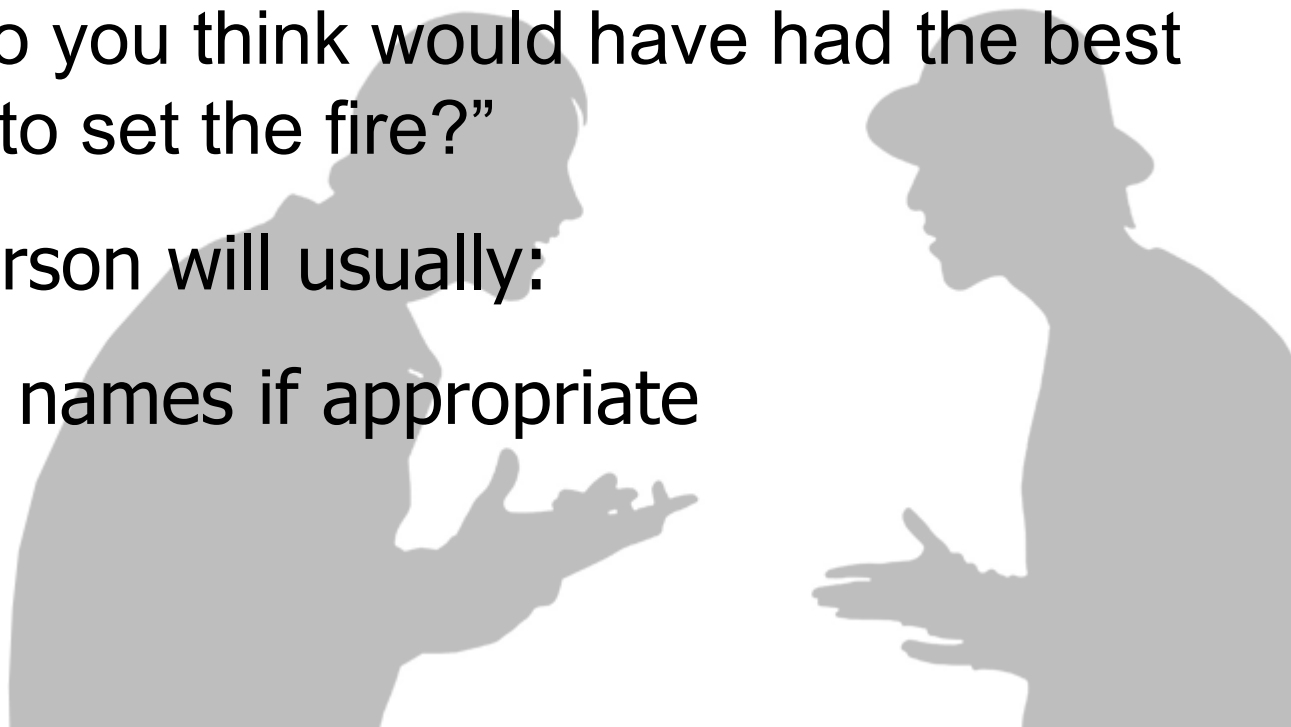
Reid Behavioral Analysis Questions:

- | | |
|------------------------------------|---|
| 11. (Opportunity) | Who would have had the best opportunity to have done this? |
| 12. (Motive) | Why do you feel someone would have done this? (Subject's answer may provide a theme for the interrogation) |
| 13. (Think) | Did you ever think of doing something like this even though you may not have actually gone through with it? |
| 14. (Objection) | Why wouldn't you do something like this? (Answer may identify the subject's fear of confessing) |
| 15. (Punishment) | What do you think should happen to the person who did do this? |
| 16. (Second Chance) | Do you think the person who did do this would deserve a second chance under any circumstances? (Subject's answer may provide a theme) |
| 17. (Bait) | One of the things we will be doing is... Establish the Bait - Eye - witness, Physical Evidence – Would There be any reason why... |
| 18. (Investigation Results) | Once the full investigation is completed, how do you think the investigation will come out concerning whether or not you were involved in doing this? |



Third Party Suspect(s) The Behavioral Analysis Interview:

- **Opportunity** :
- “Jim, who do you think would have had the best opportunity to set the fire?”
- **Truthful** person will usually:
 - Volunteer names if appropriate





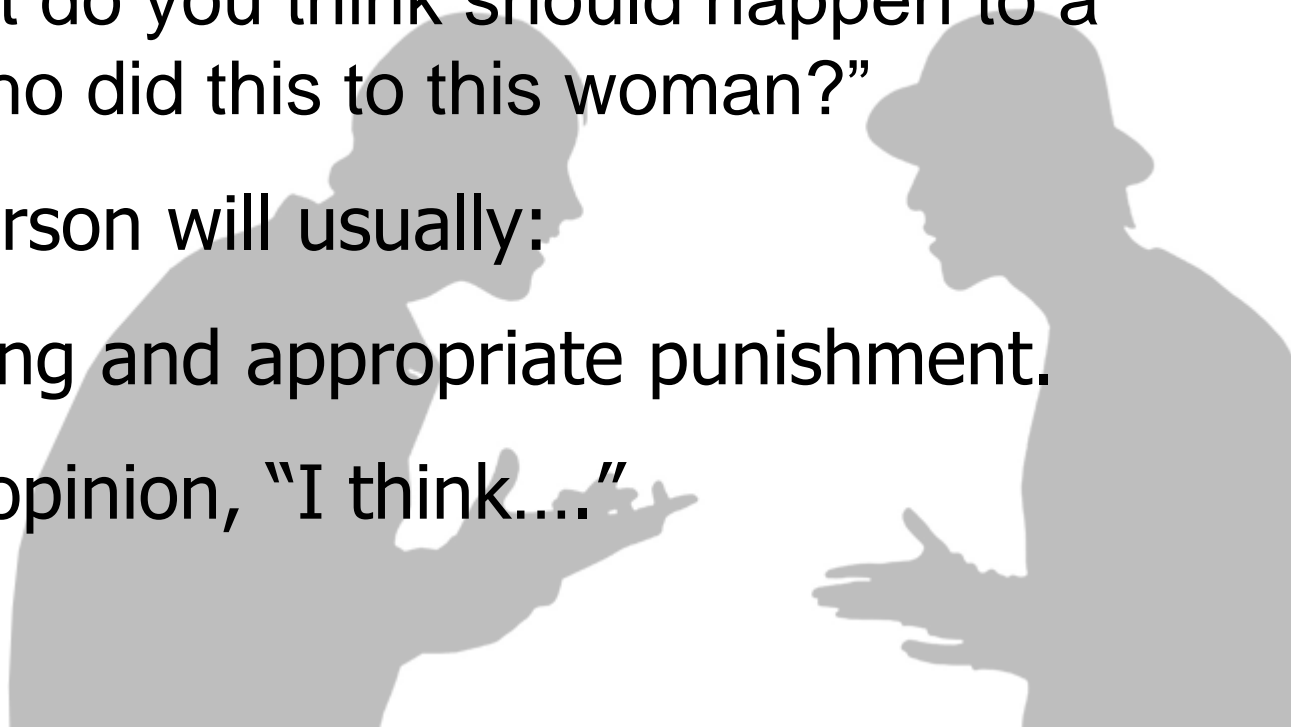
Third Party Suspect(s) The Behavioral Analysis Interview:

– Punishment:

- “Jim, what do you think should happen to a person who did this to this woman?”

– **Truthful** person will usually:

- Offer strong and appropriate punishment.
- Personal opinion, “I think....”





Third Party Suspect(s)

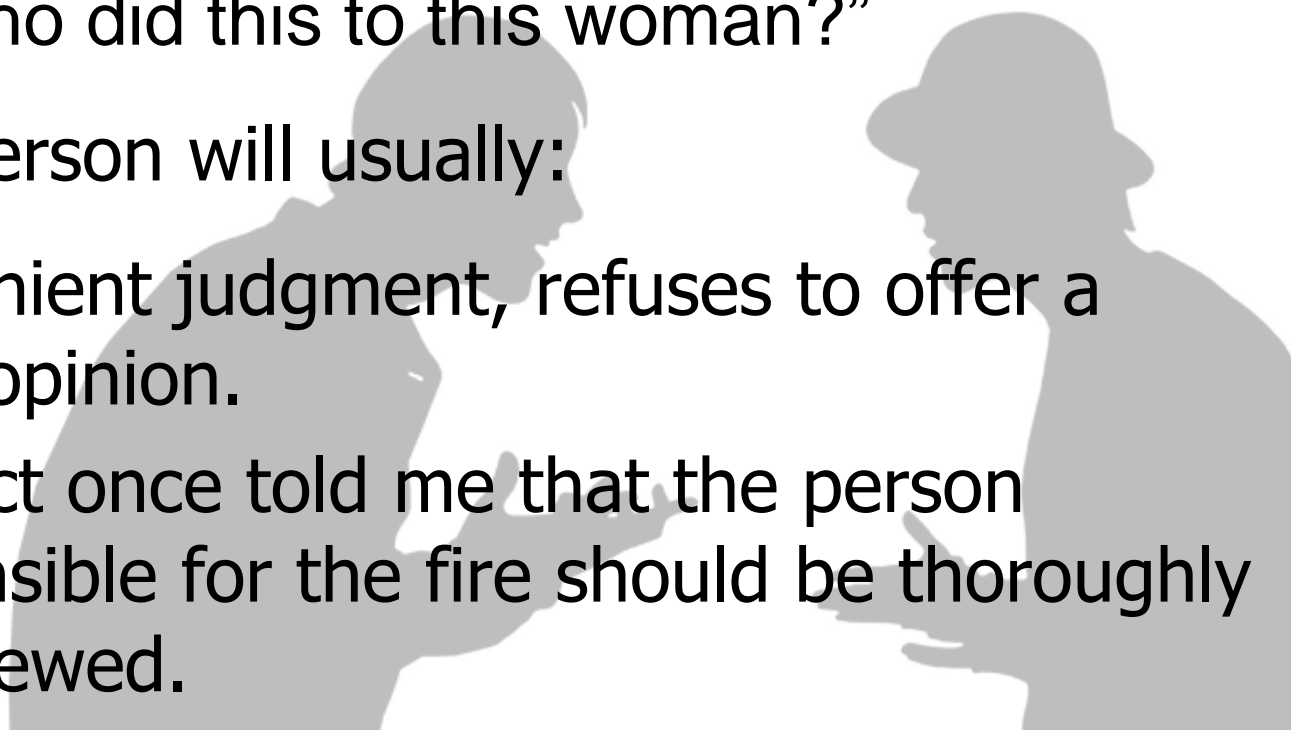
The Behavioral Analysis Interview:

– Punishment:

- “Jim, what do you think should happen to a person who did this to this woman?”

– Deceptive person will usually:

- Offer a lenient judgment, refuses to offer a personal opinion.
 - Suspect once told me that the person responsible for the fire should be thoroughly interviewed.

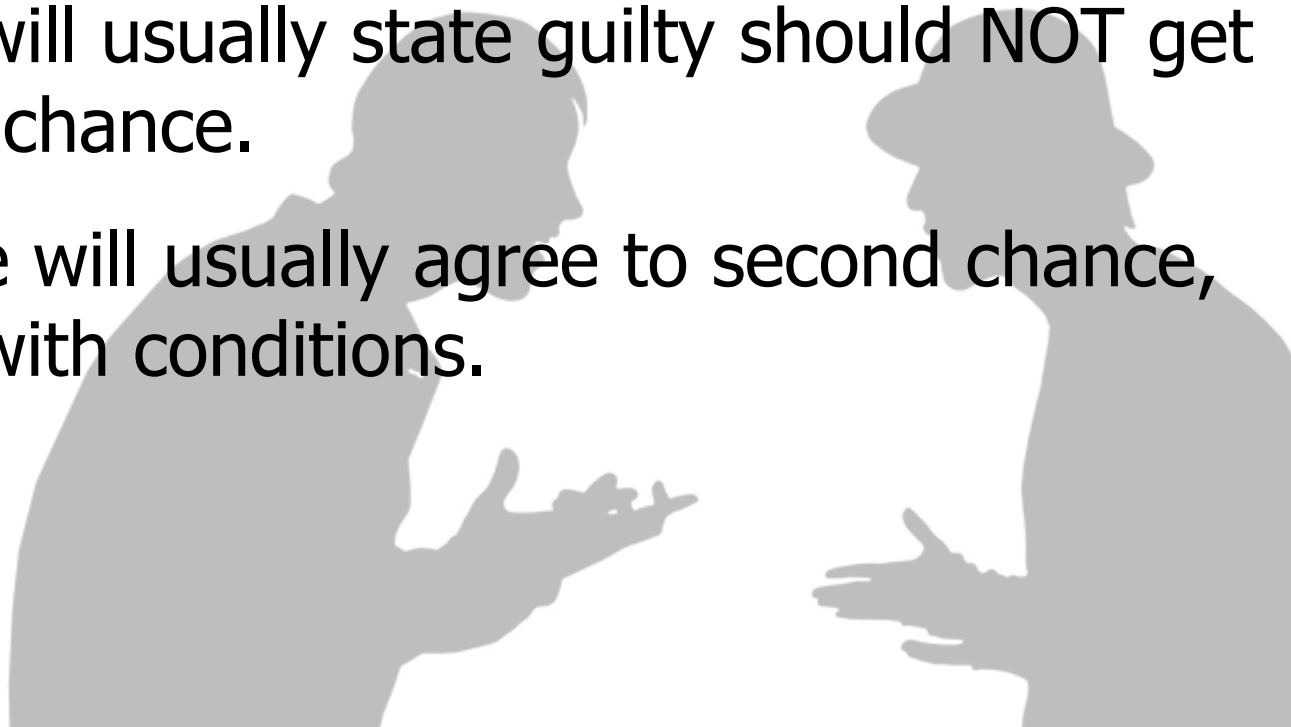




Third Party Suspect(s)

The Behavioral Analysis Interview:

- **Second chance** (may offer a theme)
 - Truthful will usually state guilty should NOT get a second chance.
 - Deceptive will usually agree to second chance, possibly with conditions.





Third Party Suspect(s)

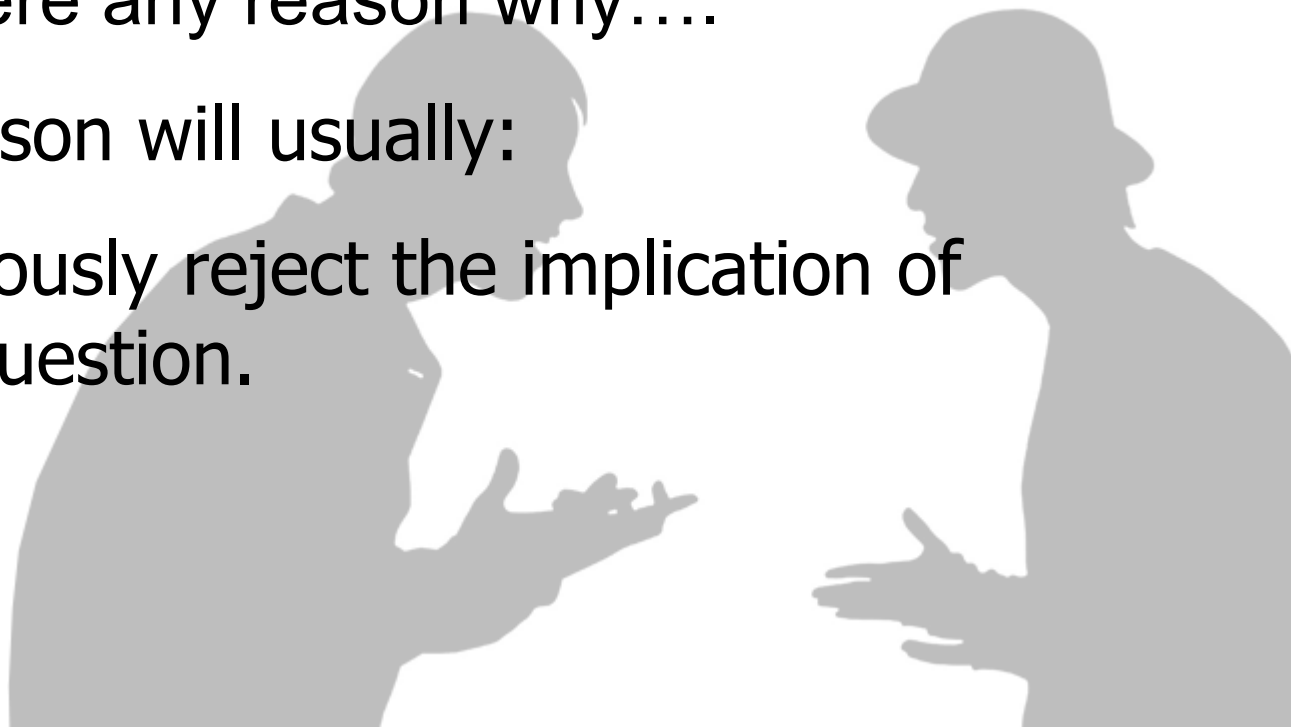
The Behavioral Analysis Interview:

- **Bait questions:**

- Jim, is there any reason why....”

- Truthful person will usually:

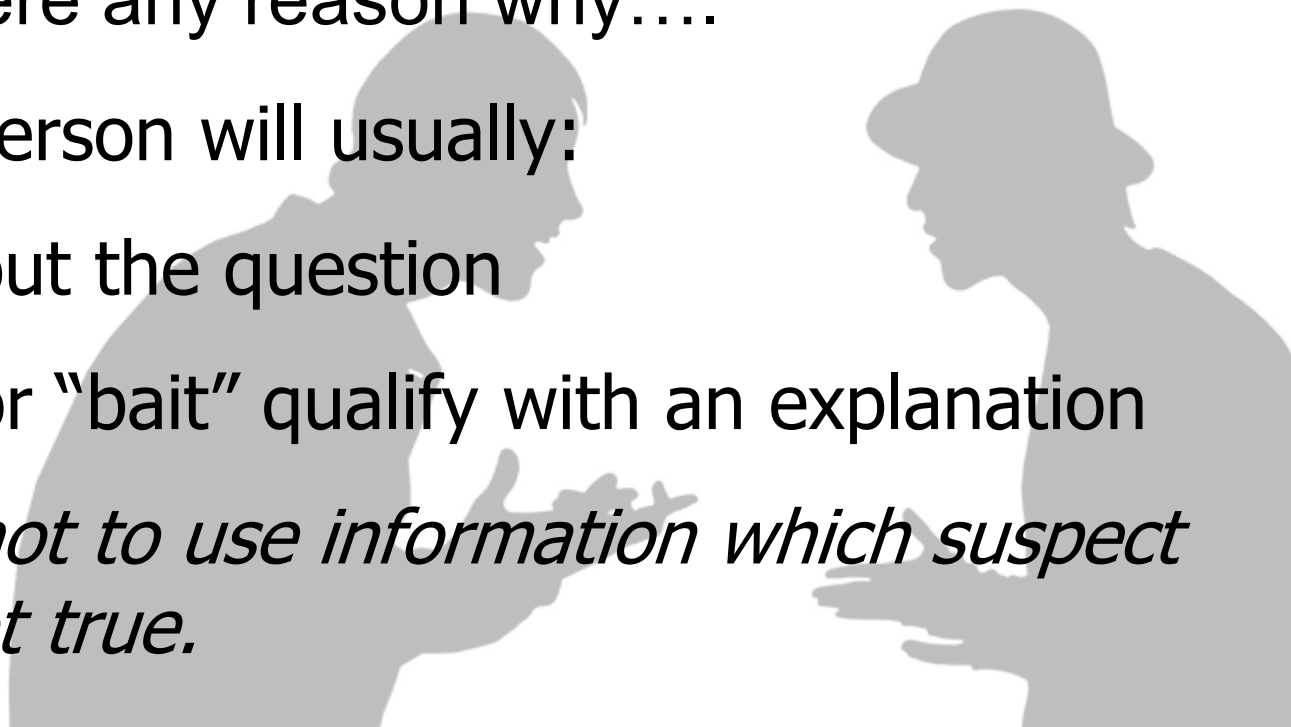
- Spontaneously reject the implication of the bait question.





Third Party Suspect(s) The Behavioral Analysis Interview:

- Bait questions:
 - Jim, is there any reason why....”
- Deceptive person will usually:
 - Think about the question
 - May go for “bait” qualify with an explanation
- *Be careful not to use information which suspect knows is not true.*





ELO 4

CONDUCT A PROPER INTERROGATION





Interrogation

- to question formally and systematically
- to ask (someone) questions in a thorough and often forceful way

– <http://www.merriam-webster.com/dictionary/interrogate>



Interrogation

- 1-WAY COMMUNICATION
- High Stress
- High level of planning
- Definitely confrontational
- Admissions/confessions are the goal



Imperfect Interrogation

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Imperfect Interrogation

REID tape 2





MIRANDA

The Behavioral Analysis Interview

- When do you Mirandize someone?
- What is a Custodial Situation?
- Do you have to MIRANDIZE when the interviewee has council present?
 - In custody?
- Is it your Agency's policy to sign a rights waiver?



MIRANDA

The Behavioral Analysis Interview

- How many have lost the opportunity to conduct an interview because the suspect went silent after MIRANDA?
- This is how I do it.



MIRANDA

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Advice of Rights and Waiver

Statement of Rights

- You have the right to remain silent.
- Anything you say can be used against you in court.
- You have the right to talk to a lawyer before we ask you any questions and to have a lawyer with you during questioning.
- If you cannot afford a lawyer, one will be appointed for you if you wish before any questioning begins.
- If you decide to answer any questions now without a lawyer present, you have the right to stop answering at any time.



MIRANDA

Waiver

I have read this statement of my rights or it has been read to me, and I understand these rights. At this time I am willing to answer questions without a lawyer present. No promises or threats have been made to me, and no pressure or force of any kind has been used against me.

Signature: _____

Printed Name: _____

Witness Signature: _____

Printed Name: _____

Date/Time: _____

Talley





Interrogation Room Setup





Overcoming the “NO Snitching” Mentality





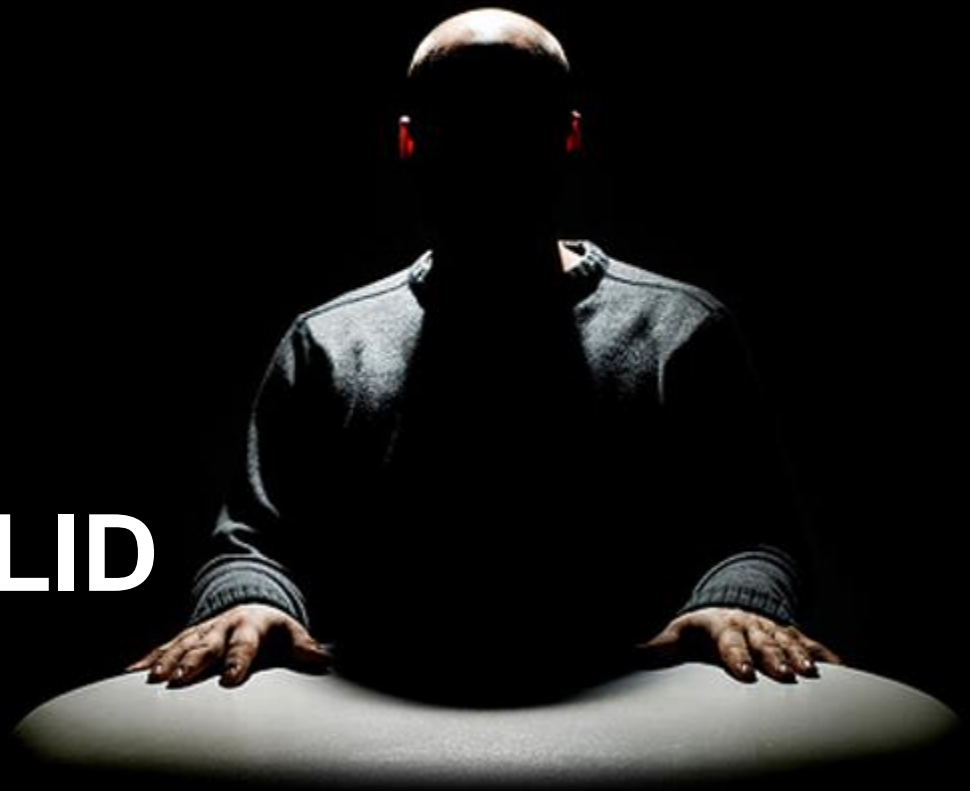
Questions?





ELO 5

SECURE A VALID CONFESSION





Confession

- The admission of an act or formal declaration of guilt
- A formal statement admitting that one is guilty of a crime
 - *http://www.oxforddictionaries.com/us/definition/american_english/confession*



MY Definition

- Confession - Psychological manipulation by a law enforcement officer directed at the suspect of a crime.



Secure A Confession

– Factors Preventing Confession

- **Fear**
 - Punishment
 - Embarrassment
- **Insufficient/No Rapport**
- **Interview Interruptions**



Anger

- You can loathe the subject, but don't show it
 - Don't become visibly angry
- He who angers you, controls you
- It is difficult to develop rapport with anger as the foundation
- Anger is a weakness that indicates a lack of self-control
- Who is to blame for the subject's behavior?





Techniques/Themes

- Direct Accusation
- Blame
- Accomplice
- Emotional
- Minimizing the Consequences
- Baiting
- Bluffing
- Overwhelming Evidence





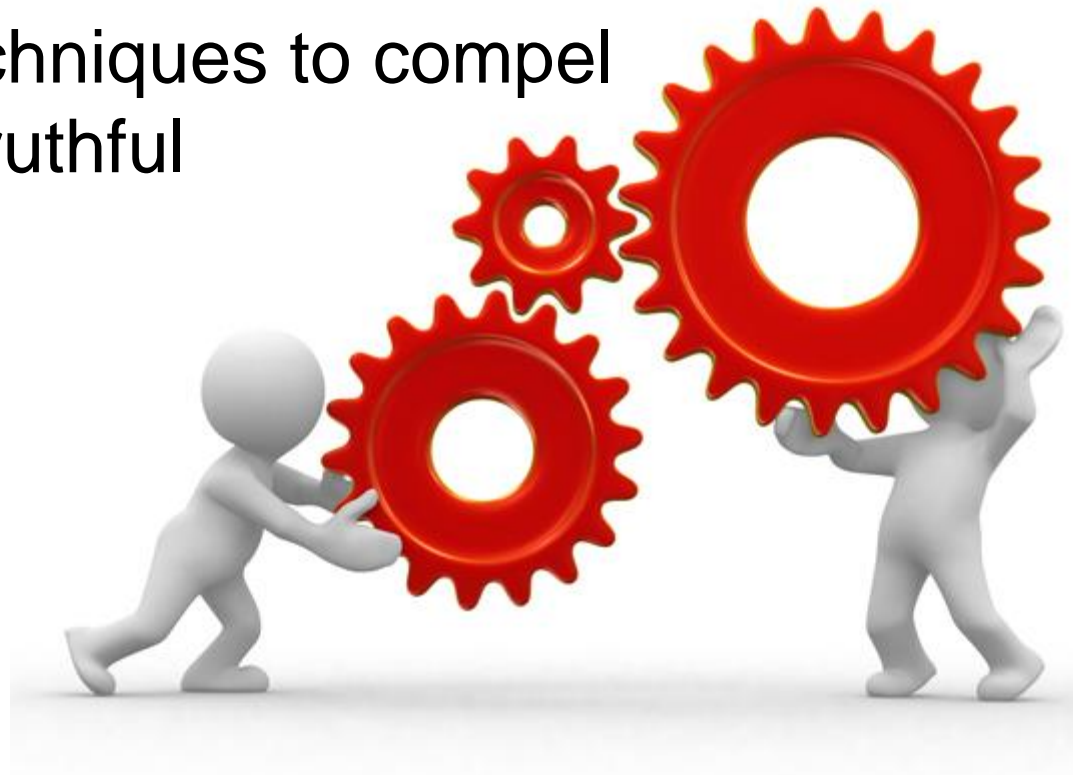
Techniques/Themes

- Direct Accusation
- Approach with folder or notepad closed.
 - Video tapes (be careful if bluffing)
- “Jim, our investigations shows that you’re the one that committed this crime.”
 - Wait a couple of seconds and read his reaction
- I know what happened now I have to find out why, because it’s important to you and how you want to look.
 - Truthful: will give a strong denial, there is no why
 - Deceptive : weak or no denial, Who me?

Techniques/Themes

– Breaking

- Union of all techniques to compel subject to be truthful



Reid tape 4





Case Management

Obtaining Information-Audio

– Pros

- Tape recorders enable interviewer to observe non-verbal behavior
- No missed information-witness/suspect accountability
- Maintain eye contact-shows your interest in what is being said





Case Management

Obtaining Information-Audio

– Cons

- Everything YOU say is recorded
- Some interviewees become cautious
- Tell them it is for their protection
- Equipment malfunction
- Transcription





Case Management

Obtaining Information-Video

– Pros

- Video recorders document non-verbal behavior
- Jury has an opportunity to see the fire scene from the interviewees' perspective





Case Management

Obtaining Information-Video

– Cons

- Some interviewees become cautious
- Equipment malfunction





Statement Analysis

- Statement Analysis is the process of examining a statement to see if the person is being truthful or deceptive. It is based on the premise that people usually will not lie (although they will be deceptive), and that people's words will betray them.



Statement Analysis(*cont*)

- Their true thoughts will surface in the language they use.
- Determining what a person is really saying is done by analyzing the words, content, pronouns, verb tenses, sentence structure, and a variety of other things in the statement.
- Take for example the following statement:



Statement of Casey Anthony regarding her missing daughter

Since Casey is telling the detective what happened the day her daughter disappeared, her statement should be in the past tense. In the first five sentences, Casey uses language that is in the present tense.





Statement of Casey Anthony regarding her missing daughter

I got off of work, left Universal driving back to pick up Caylee like a normal day. And I show up to the apartment knock on door nobody answers. So, I call Zeniada's cell phone and it's out of service. It says the phone is no longer in service, excuse me. So, I sit down on the steps and wait for a little bit to see if maybe it was just a fluke if something happened and time passed and I didn't hear from anyone.

DO NOT
CROSS



Q. Favorite places to go? I guess Universal is one of them.

A. As a theatrical thing of course but she liked J. Blanchard Park going to

Lake Underhill and walk around the lake.

Q. Where about in the park **does she** like the best?

A. The playgrounds. She liked to just attempt to run around Lake Underhill.

She liked to go and walk the big trail at J. Blanchard Park.

Q. That's a big trail.

A. She loved that.





Questions?





Secure A Confession

- Stay away from legal terms

Murder	Caused Death
Rape	Forced to have sex
Steal	Take
Confess	Tell the truth/DO THE RIGHT THING
Killed	Hurt



Pre-confessional Indicators

—Nonverbal

- Palms turn up
- Deep single sigh
- Rounding, drooping shoulders
- Chin dropping
- Eyes slowly blinking
- First cry
- Body blossoming/opening





Pre-confessional Indicators

- Nonverbal (*cont*)
 - Holding/rubbing chin
 - Leaning forward
 - Lips rubbing together
 - Eyes roll back, eyelids closed
 - Over all look of submission





Persica Confession





Pre-confessional Indicators

– Verbal

- If I did it why don't you tell me how I did it.
 - *What could happen to someone who did something like this*
- Do you want me to lie to you and tell you I did it? OK, I did it.





Pre-confessional Indicators

– Verbal (*cont*)

- I didn't do it but I will tell you I did just to get it over with.
- I didn't take it but I'd be willing to pay for it just to clear this up.
- Is this going to be in the paper, going to court, going to be on the news, etc.?





Are there magic words to obtain confessions?

YES





Magic Words

- You, as an investigator, must give the offender a **dignified** way to admit their involvement in a crime in order to obtain a confession.





Magic Words

- Accidents Happen
- Anyone In This Situation Could Have
- Everybody Makes Mistakes
- You Never Intended To Hurt Someone.





Magic Words

- After identifying the appropriate words to use to obtain confessions, any investigator can become adept in using the **magic words** of interrogation.





Magic Words

- Where do these magic words come from?
 - The pre- interrogation interview





Magic Words

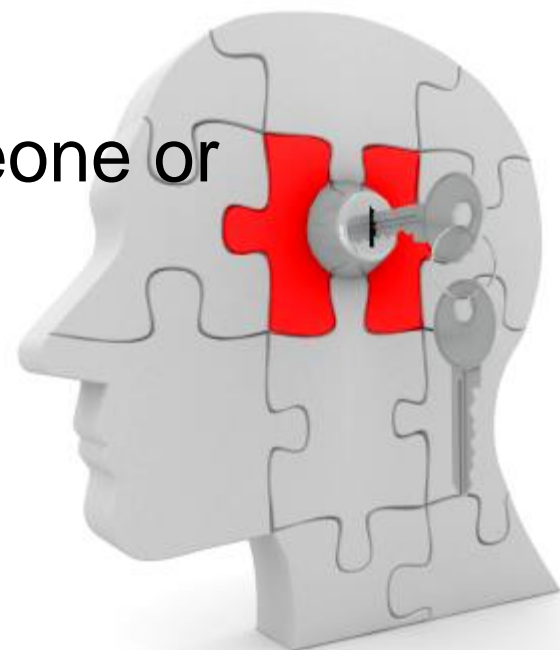
- Investigators conduct an in-depth interview to gain insight into what makes the suspects “tick”, such as backgrounds, thoughts, and feelings.





Magic Words

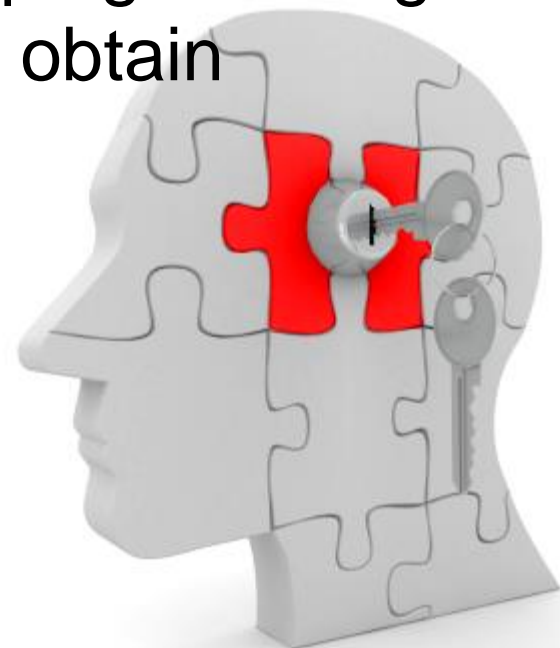
- Criminals frequently employ defense mechanisms
 - to **rationalize** their actions
 - to **project** blame onto someone or something else
 - to **minimize** their crimes





Magic Words

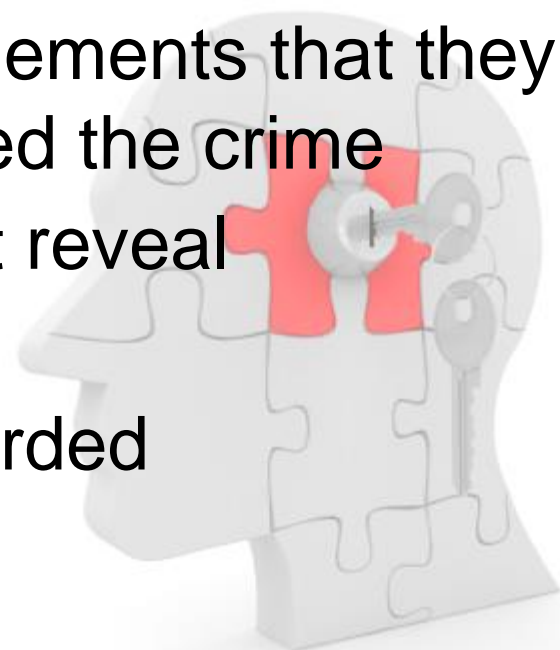
- By listening **attentively** to suspects, investigators can discover important information that leads to developing the magic words that they can use later to obtain confessions.





Magic Words

- Once you have your initial admission
 - Encourage suspect to talk about the aspects of the crime
 - Admission should include elements that they would know if they committed the crime
 - Evidence that you did not reveal
 - » Note in your report
 - Voluntary statement or recorded





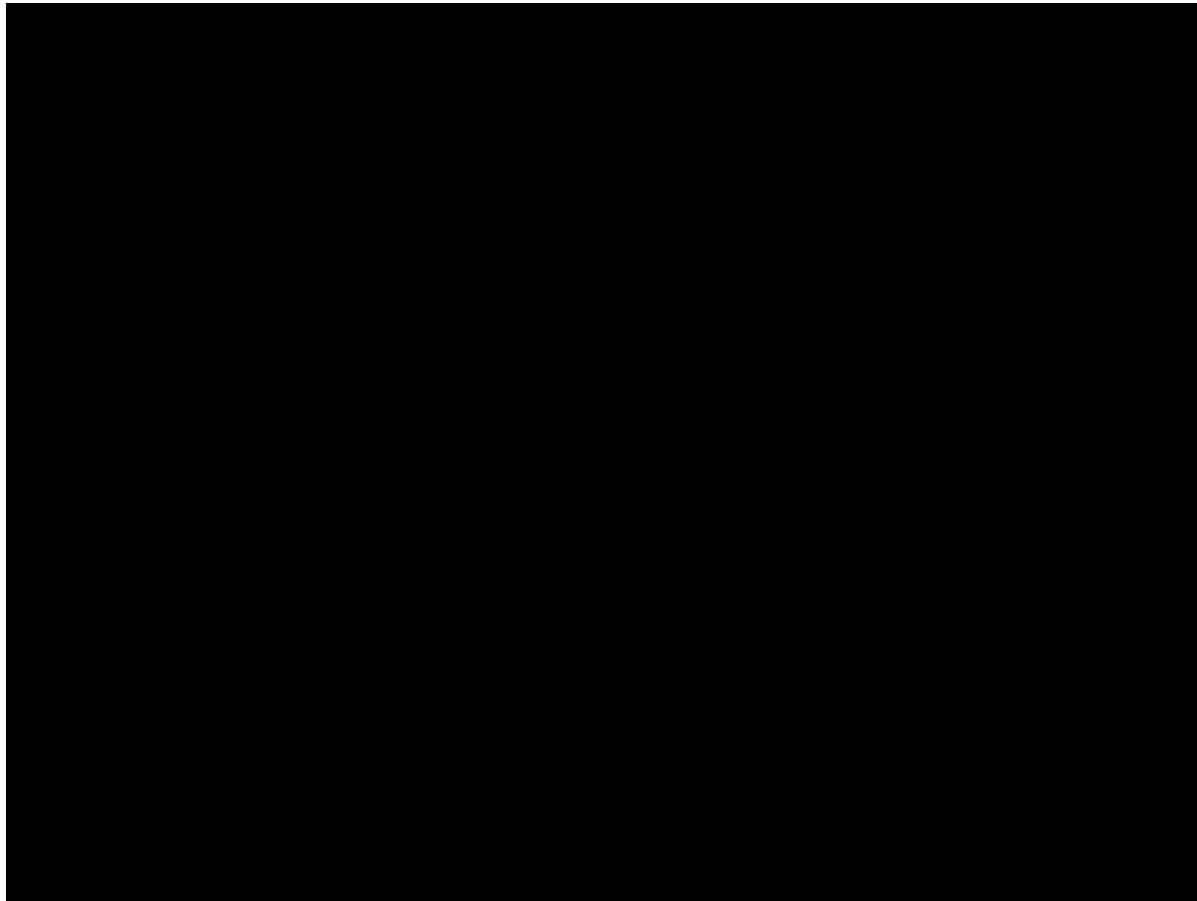
Obtaining A Confession

- Confessions must be truthful
- You **MUST** be careful to avoid **FALSE** Confessions





False Confession



Richard Raymond Tuite





Magic Words - RPM

- Rationalization
 - Projection
 - Minimization
- Justify their actions





Magic Words - RPM

- RPM's make moral and psychological, **not legal** excuses for suspects' actions. Therefore offenders remain accountable for their behavior.





Magic Words - RPM

- Rationalization
 - Rationalization offers plausible explanations for suspects' actions that reflect favorably on them by presenting their actions in a positive light.



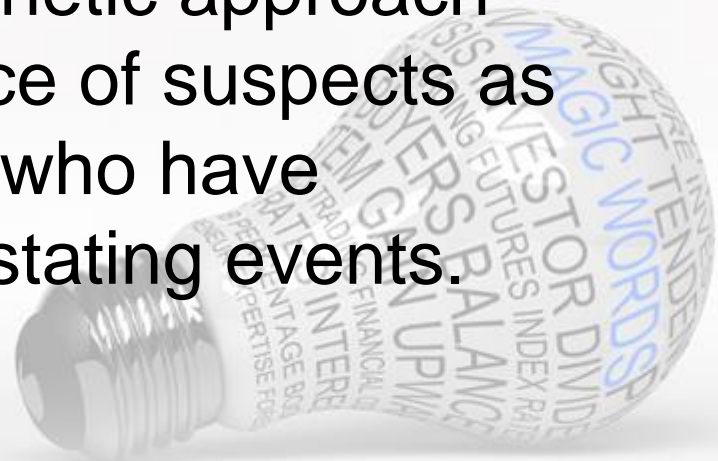


Magic Words - RPM

- Rationalization

- Approach: show empathy

- » When delivered in a gentle, sincere manner, an empathetic approach projects acceptance of suspects as “good” individuals who have experienced devastating events.





Magic Words - RPM

- Rationalization
 - Get into the suspects' minds and tell the suspects why they acted as they did, thus conveying a capacity to understand.





Magic Words - RPM

- Projection
 - Project the blame on others





Magic Words - RPM

- Minimization
 - Minimize the crime
 - Call it a “mistake”, or “an accident”
 - Never use Arson....Rape....Murder, etc., because this moves the focus to consequences and shame





Magic Words - RPM

- “Incentives to Confess”
 - Demonstrate an incentive, but **DO NOT** make false promises or lessen the impact that these criminal acts have on society

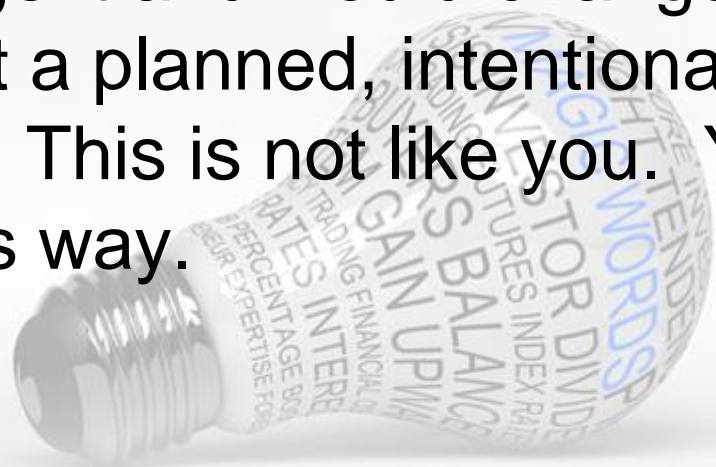




Magic Words - RPM

- “Incentives to Confess”

–I have looked at this case carefully. I believe that you did not intend to do this. I think you wish you could change it and would change it, if possible. It was not a planned, intentional act; it just happened. This is not like you. You normally don't act this way.





Magic Words - RPM

- Provide Reasons
 - Make cooperation known to the DA
 - Opportunity to tell “your side”
 - Prosecutor will want to know if you were sorry
 - The chance of receiving psychological treatment





Magic Words - RPM

■ Use Caution

- Be careful when making promises. A promise of lenient treatment by a court official could make confessions inadmissible.
- My example is the Rusty Pelican motel.





Magic Words

- Sledgehammer:
 - You strangled Valerie, why don't you just say you did it?

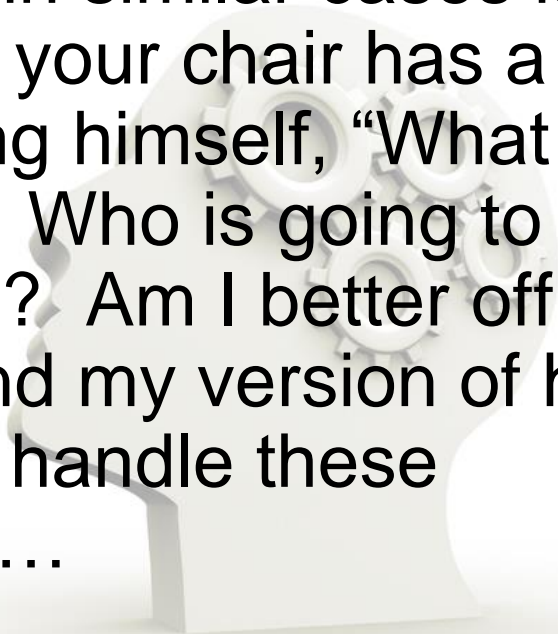




Magic Words

– Feather:

- Mitchell, my experience in similar cases is that the person sitting in your chair has a lot on his mind. He is asking himself, “What is going to happen to me? Who is going to know that I did this thing? Am I better off telling the entire story and my version of how this thing started? Let’s handle these questions one at a time ...





Magic Words

- The ability of investigators to demonstrate **warmth** and **sincerity** proves **paramount** in obtaining confessions.
- Without **spontaneity** and **feeling**, any attempt to persuade **will not** garner the trust that allows offenders to confess.





Magic Words

– SINCERITY

- Once you learn to fake that, you've got it made.





Questions?

