



# INTERVIEWS AND INTERROGATIONS

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# INTRODUCTION

- To be a successful interviewer and interrogator, we, **Must**, be comfortable being uncomfortable. So how do we do this?
- We sit in as many interviews and interrogations as possible.
- We watch others, who are successful interviewers and interrogators. We talk with as many people as possible, until we feel comfortable in our own skin, talking to others.
- Stand from your chair, introduce yourself to the class.
- Please tell us your:
  - Name
  - Do you conduct criminal or administrative invs. or both
  - What is your weakness when it comes to interviewing



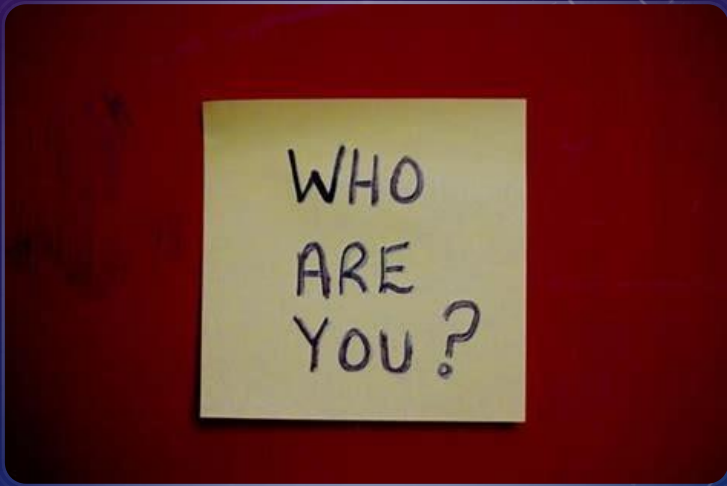
# INTRODUCTION

- Students will learn practical interviewing skills to apply in every investigation. Interviewing is an important phase of an investigation because through the interview process a majority of case information is obtained and cases are solved.
- This course focuses on two main topics: preparing for an interview and conducting an interrogation. In addition, the relevant case law related to interviews and interrogations is covered.



# LET'S TRY OUT OUR INTERVIEW SKILLS

For the next eight to ten minutes, sit back-to-back with someone in the class. **Pick someone who is not a work colleague.** Find out something about the person you are speaking to. Where they live, who they live with, do they have children, how old are they? Lastly, where did they travel to on their last vacation.



WHO  
ARE  
YOU?

# DIFFERENTIATE BETWEEN INTERVIEW AND INTERROGATION

Generally, interviews are associated with victims, witnesses, informants, and complainants, while interrogations are associated with suspects. The term investigative interview may be applied to both an interview and an interrogation.

The perceived difference between interview and interrogation is the harshness of the approach. The practical and legal difference is related to custody and the intent of questioning.

# IDENTIFY THE PURPOSE OF CONDUCTING AN INTERVIEW OR INTERROGATION



The purpose of both interviews and interrogations is to collect facts and ascertain what occurred during an incident. The topic of the conversation depends on the interviewee and his or her knowledge of events or involvement in a crime. The goal is to obtain a truthful statement, admission, or confession.

- The primary purpose of the interview is to elicit truthful statement about the case.

# DIFFERENTIATE BETWEEN INTERVIEW AND INTERROGATION

- An **interview** is a spontaneous or planned conversation by which information is sought, obtained, and evaluated from persons having knowledge of events or circumstances related to a crime or incident.
- An **interrogation** is a **process** by which information acquired during the investigation is matched to a particular suspect for the purpose of gaining admissions or a confession as related to a crime or incident. An interrogation may be custodial or noncustodial.
- Generally, interviews are associated with victims, witnesses, informants, and complainants, while interrogations are associated with suspects. The term **investigative interview** may be applied to both an interview and an interrogation.
- The perceived difference between interview and interrogation is the harshness of the approach. The practical and legal difference is related to custody and the intent of questioning.



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# CONDUCTING AN INTERVIEW

The order of questions is important in conducting an effective interview. Generally, questions designed to formulate a chronological order of events are recommended. You may also sequence questions to test the interviewee's version of the incident.



# CLASSIFY THE INTERVIEWEE

- **victim**—the person or business against whom the crime was committed
- **witness**—one who was present personally and perceives information about the incident through any of their five senses. A witness may also be an expert witness or one who otherwise possesses information or documents related to the case.
- **suspect and/or accomplice**—one who is believed to have committed an offense
- **informant**—one who confidentially provides information and whose identity is not normally disclosed until required by law
- **complainant**—one who reports the crime
- **Note:** These classifications are subject to change as the investigation proceeds (e.g., a witness may become a suspect).



# THE INTERVIEW PROCESS

## The interview process:

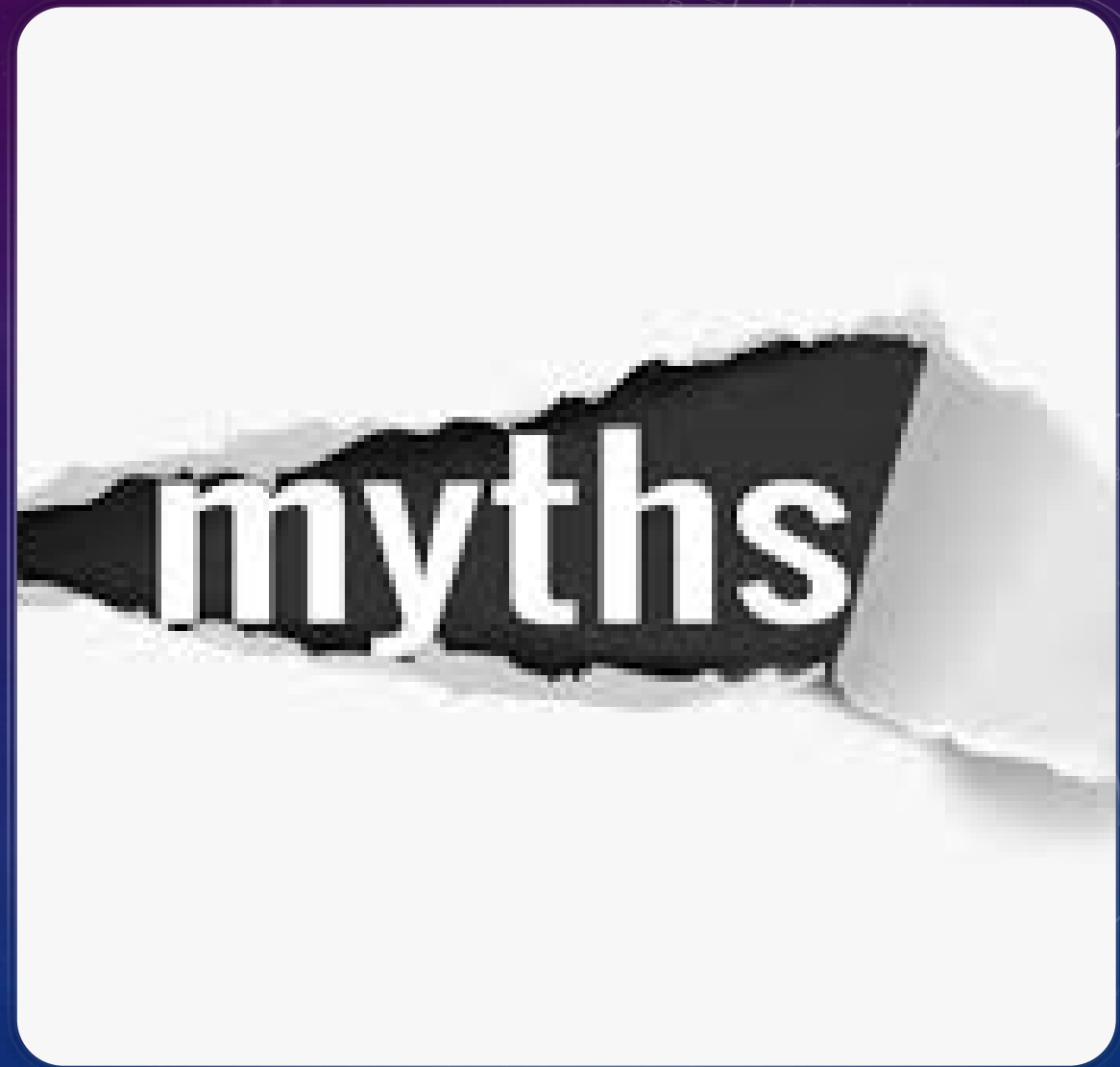
- Is the course of something being done, a particular method of doing something with all the steps involved.



# THE INTERVIEW PROCESS

## Myths about interviews

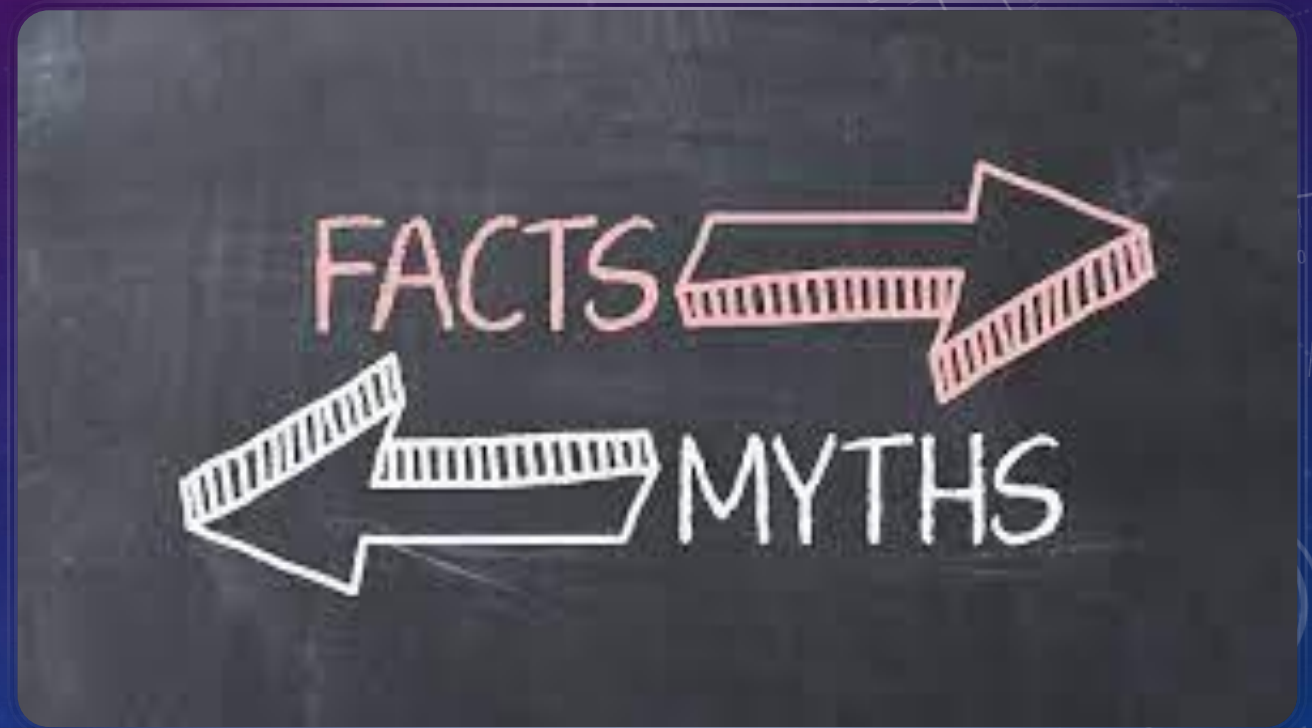
- Interviewing cannot be taught
- An interview is a list of questions
- Interviewers are born, not made
- Interviewers must stick to the facts
- Listening is a natural process, not a skill
- Note-taking during interviews is very important



# THE INTERVIEW PROCESS

## Myths about interviews

- An interviewer must dominate the situation
- Cross-examination is the same as an interrogation



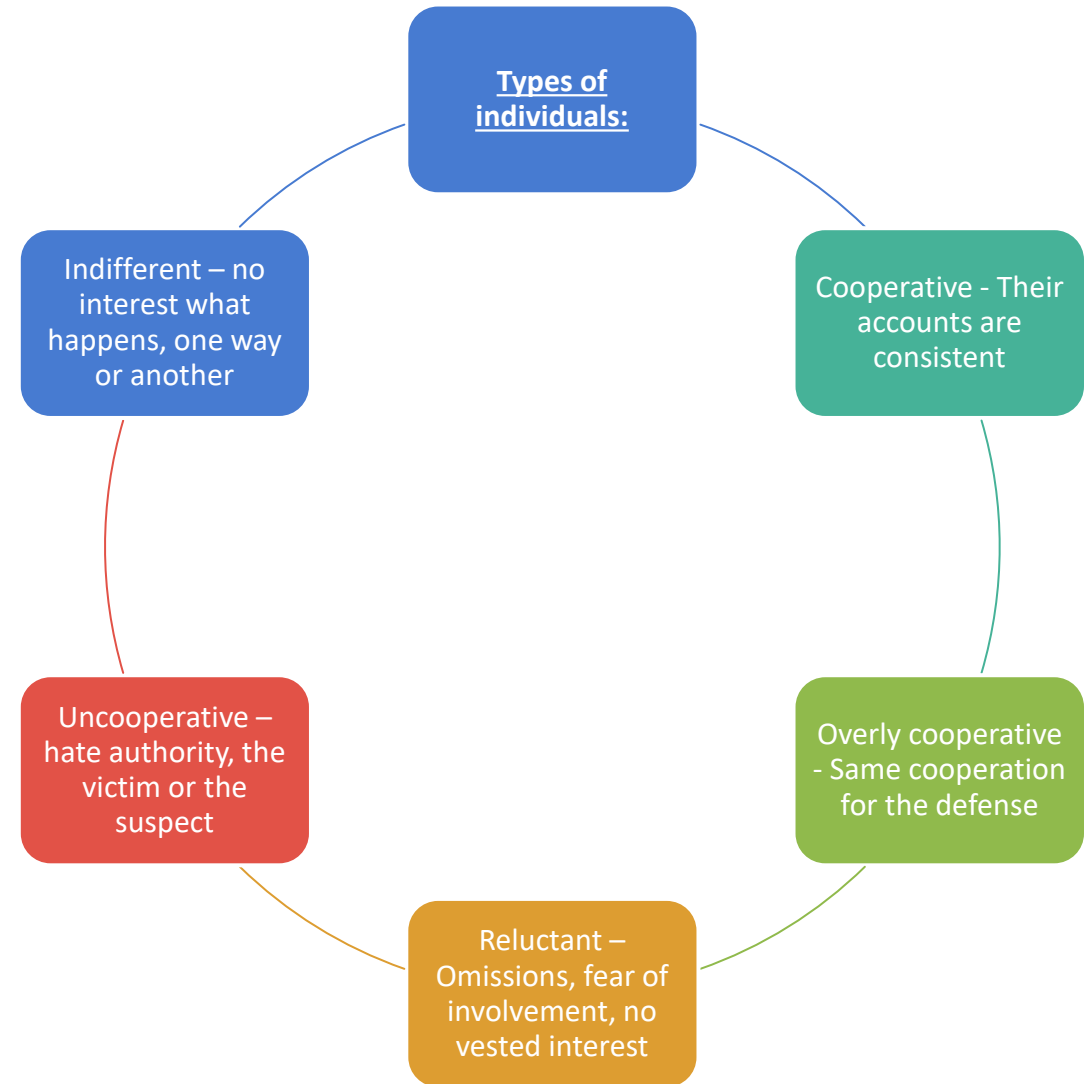
# THE INTERVIEW PROCESS

## What is an interview?

- A conversation with a purpose
- The process by which information is sought, and evaluated from persons having knowledge of events related to the investigation
- A process!



# THE INTERVIEW PROCESS



# PLANNING

HUGELY SIGNIFICANT  
AREA WHICH IS  
FREQUENTLY SHORT-  
CHANGED.

1 IN 10 INTERVIEWS HAVE ADEQUATE  
PLANNING.

ALL INTERVIEWS SHOULD HAVE A PLAN.





# What is needed for Effective Interviewing

## Planning

- Backgrounding
- Strategizing

## Process

- Active Listening
- Observation

## Persuasion

- Influencing
- Convincing

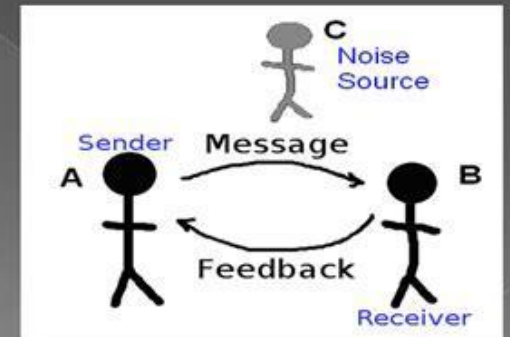
## Perspective

- Evaluation
- Understanding



### The Persuasion Process

- Communicator
- Message
- Audience
- Medium
- Context



# THE VERBAL COMMUNICATION PROCESS

## Verbal Communication Skills

“ **Verbal Communication** is the use of words to share information with other people, it includes both spoken and written communication. ”



The Verbal Communication Process:

- An exchange of ideas through words and non-verbal signs, understood by the involved parties
- Requires listening and processing of information
- Requires an understanding of both parties' perceptions and points of view

# VERBAL



**PARAPHRASING:** AT TIMES REFERRED TO AS ECHOING, REPEATING THE INTERVIEWERS LAST FEW WORDS



**REFLECTION:** HERE YOU REFLECT BACK TO THE INTERVIEWEE WHAT YOU PERCEIVE TO BE HIS/HER FEELINGS ABOUT THE INCIDENT



**SUMMARIZING:** DURING THE INTERVIEWEE'S RECITATION OF WHAT HAPPENED, YOU PERIODICALLY RECAPITULATE OR SUMMARIZE BACK TO THEM WHAT THEY HAVE TOLD YOU TO THAT POINT.

# NONVERBAL

1. Nodding of the head
2. Raising of the eyebrows
3. Silence
4. Vocal sounds

## Non Verbal Communication

“ Nonverbal communication is the transmission of messages or signals through a nonverbal platform such as eye contact, facial expressions, gestures, posture, and the distance between two individuals. ”



Facial expressions



Eye contact



Touch



Body movements and posture

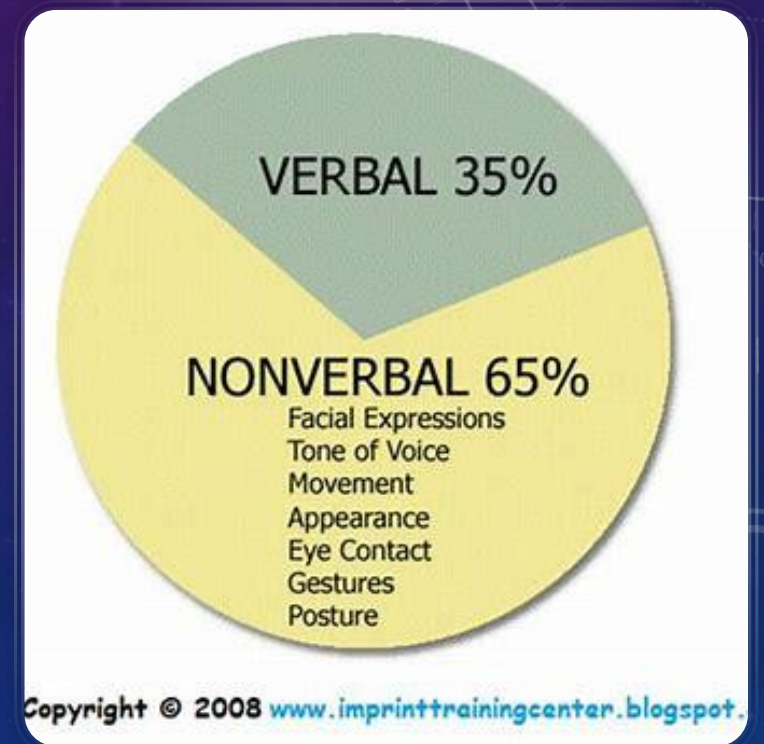


Gestures

# YOUR BODY LANGUAGE

## The Importance of Nonverbal Communication in Policing

Non-verbal communication reveals how people feel about what they are experiencing, or what someone may not be saying in a conversation they are taking part in. In nonverbal communication actions speak louder than words. Some gestures can inspire mutual confidence and establish trust between people, while other gestures can suggest a person is uncomfortable or not conveying the whole truth.





## RULES OF EFFECTIVE COMMUNICATIONS

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The meaning is the outcome or response (a behavior or words)

---

They will respond, everything we do is manipulative

---

A person's “reality” is based on their internal map

---

People, at a given moment, make choices in ***their*** best interest

---

The most flexible person will be the controller

# YOUR BODY LANGUAGE

## What Does Your Authoritative Body Language Say About You?

- Body language is an important part of any career, but it is particularly valuable in investigations. An investigator interacts with a wide array of individuals, so body language impacts his or her interactions with the public. By understanding authoritative body language and the way people interpret certain behaviors, an investigator can develop mannerisms and behaviors designed to help with an investigation based on the individual involved.



# YOUR BODY LANGUAGE

**Body Language** How people stand could say a lot about what they're thinking and feeling.

**Arms Akimbo**  
Putting your hands on your hips with elbows out could say that you are displaying dominance, authority, or self-confidence.

**Feet Facing Directly Towards Someone**  
Facing someone with feet forward could say that you are interested in what someone is saying.

**Mirroring**  
Mirroring someone or imitating someone else's body language could say that you are interested in that person and also comfortable with their presence.

**Shaking your Legs**  
Moving your legs a lot could say that you are nervous, impatient or anxious.

**Lowering your Head**  
Lowering and tilting could say that you're ashamed of something, or that you're shy, or maybe hiding something, like the truth.

**Power Posing**  


**Arched Eyebrows**  
Raised eyebrows could say that you are intrigued with what the person is saying.

**Direct Eye Contact**  
Looking into a person's eyes could say that you are interested in what they are saying.

**Blinking too much**  
Blinking your eyes too much could say that you are nervous or anxious.

**Squinting**  
Squinting your eyes could say that you feel threatened or unhappy.

**Arms Crossed**  
Crossing your arms in front of you could say that you are uncomfortable or defensive.

Even how you sit could communicate a particular behavior. You could come across as being extremely confident and relaxed, or unsure and timid.



## Why Is Body Language Important?

- Body language is important because it supplements and reinforces our verbal communication through gestures, postures, and facial expressions. The eye contact we make with others, our handshakes, our stances, gestures and movements all comprise parts of the visual impression we create for others. Communicating our interest in others through body language involves walking upright, standing confidently, shaking hands firmly, making steady eye contact and leaning in to show interest. Aggressive or closed body language, on the other hand, can be expressed by someone who stands over others with legs wide, hands on their hips or standing too close to others in an invasive manner.



# YOUR BODY LANGUAGE

Did You Know That Emotional Intelligence Plays a Huge Role in Successful interviewing ?

Empathy is one of the components of emotional intelligence, and 55% of communication is expressed in body language. People who practice active listening engage with their eyes and let others talk, listening with compassion.





# YOUR BODY LANGUAGE

## Interviewer Body Language: Facial Expressions

Facial expressions communicate more than an interviewer may assume and can cause complications during a case when it involves several parties.

Showing sympathy toward a potential interviewee through facial expressions or expressing firm resolve while talking to a potential perpetrator can impact the way individuals behave during an interview or discussion. Interviewers must work to control their facial expressions and maintain a level of neutrality.

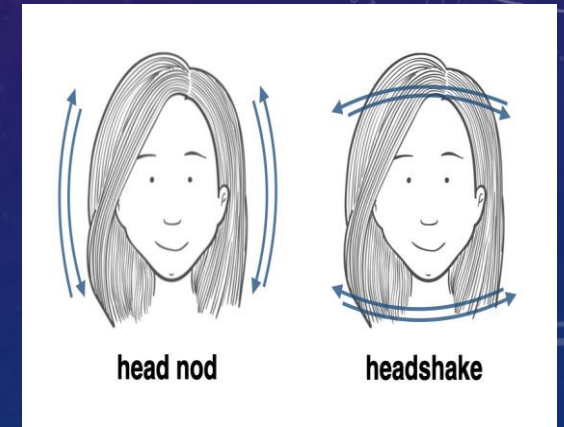
# YOUR BODY LANGUAGE

## Authoritative Body Language: Shaking Hands or Nodding the Head

Staying engaged in a conversation plays an important role in the impression an interviewer makes through his or her body language. It seems natural to shake hands or nod when talking to other individuals to show interest in the conversation. Unfortunately, you must evaluate the situation before following through with natural inclinations.

Shaking hands during a community event is an appropriate action; however, you should limit handshakes during normal duties. Shaking an individual's hand develops a sense of familiarity, which may interfere with an investigation. Interviewers should also limit clear external displays of acceptance, such as nodding, to limit misunderstandings.

Avoid nodding when interviewing an alleged offender; instead, make eye contact with the individual. Eye contact encourages the individual to open up and talk without actively supporting the individual's claims.



# YOUR BODY LANGUAGE

According to Noel Otu in *Decoding Nonverbal Communication in Law Enforcement*, police officers and suspects often operate under the assumption that their primary messages are conveyed in the spoken word, however it is their nonverbal cues that are more important. The study suggests that nonverbal communication is the essence of criminal justice; and provides the foundation of successful relations between law enforcement personnel and suspects or criminals.



# BODY LANGUAGE



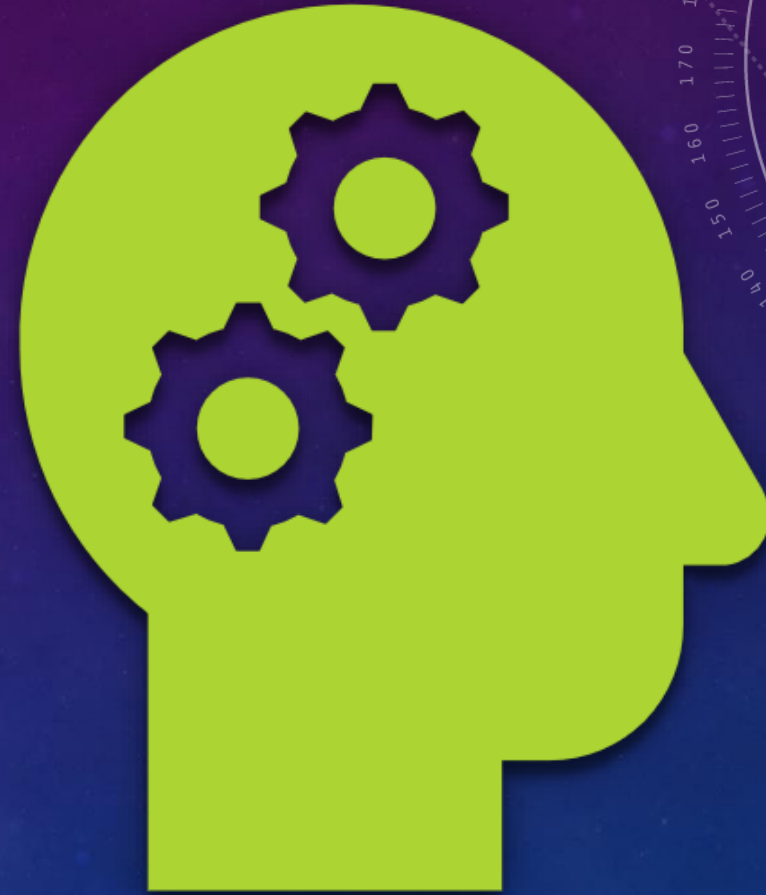
[Former FBI Agent Explains How to Read Body Language | Tradecraft | WIRED - Bing video](#)

# HISTORY OF THE COGNITIVE INTERVIEW

Eyewitness information is the key element in solving many violations, yet the interviewer are often poorly trained in conducting information-gathering interviews, and they make avoidable mistakes. To rectify this situation, Drs. Ronald Fisher and Edward Geiselman developed the Cognitive Interview (CI) procedure to collect information from cooperative witnesses.

# WHAT IS A COGNITIVE INTERVIEW?

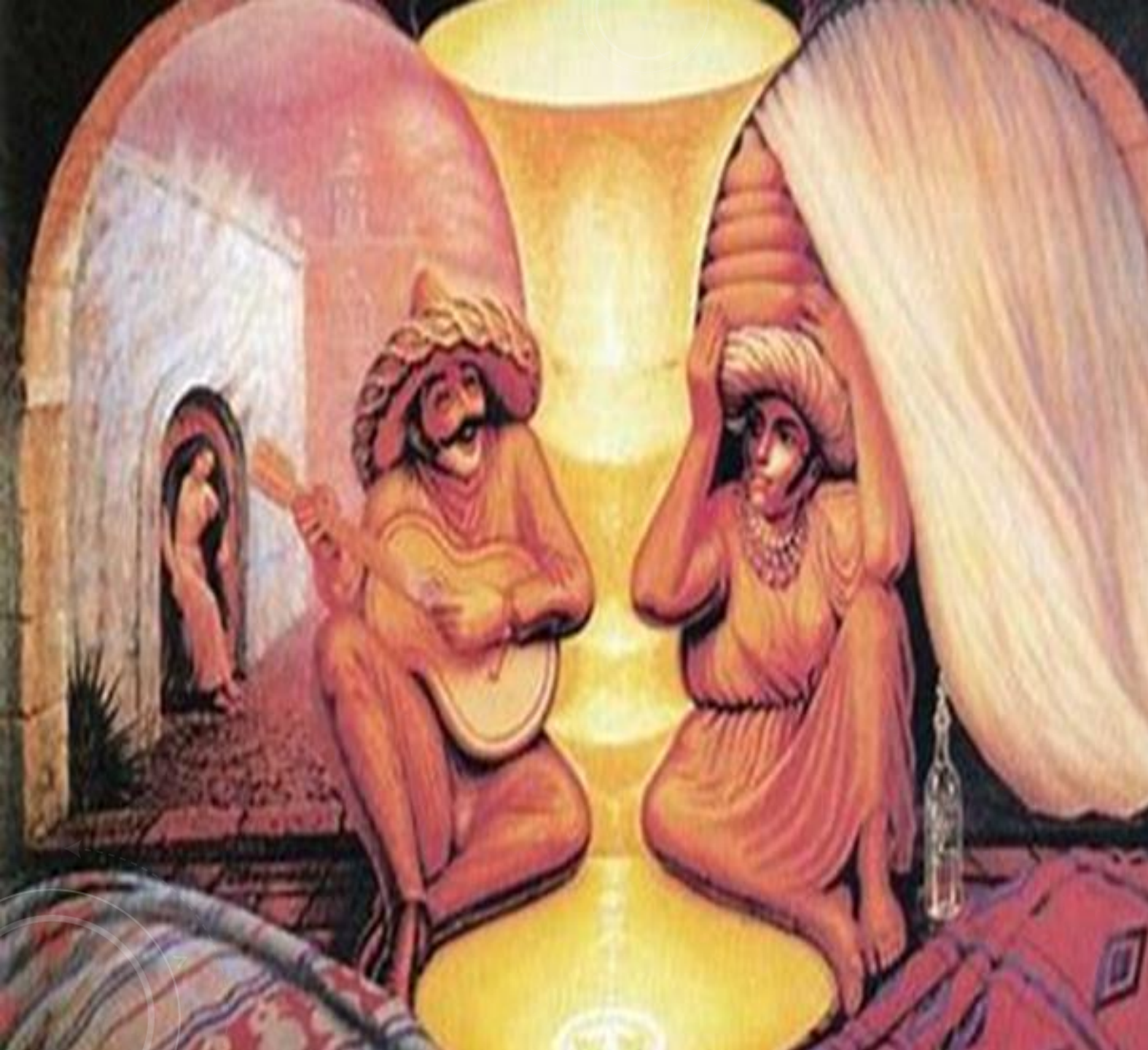
- Studies have shown that cognitive interview techniques elicits 35-50% more information from witnesses without affecting the accuracy rate.



- Cognitive interview







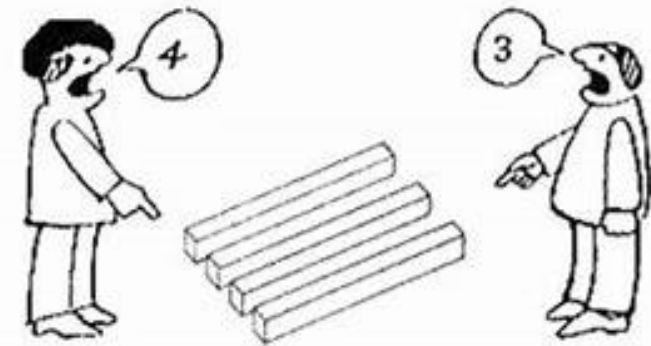
# PERCEPTION

WHAT DO YOU SEE?

# PERCEPTION

WHAT DO YOU SEE?

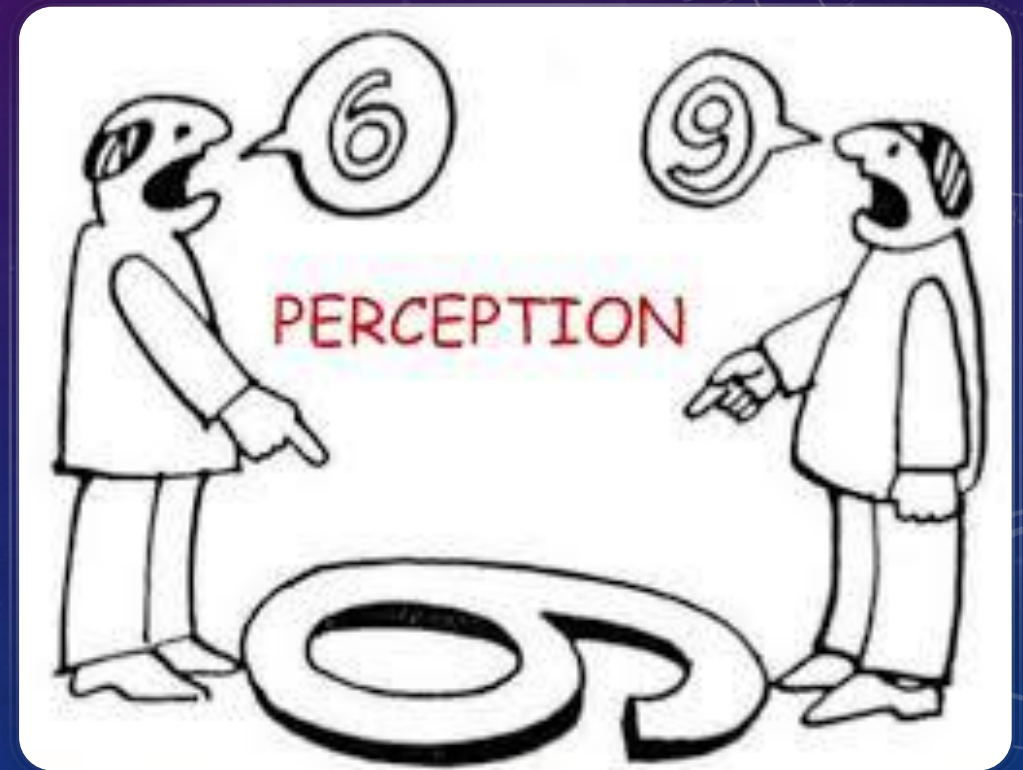
"We Don't See Things As They Are,



We See Them As We Are." - AN

# PERCEPTION

- What Is Perception?
- Perception includes the five senses; touch, sight, sound, smell, and taste. It also includes what is known as proprioception, a set of senses involving the ability to detect changes in body positions and movements. It also involves the cognitive processes required to process information, such as recognizing the face of a friend or detecting a familiar scent.



# IMPACT OF PERCEPTION

**Perception:** In this step of the process, you perceive the stimulus object in the environment. It is at this point that you become consciously aware of the stimulus.



**Recognition:** Perception doesn't just involve becoming consciously aware of the stimuli. It is also necessary for the brain to categorize and interpret what you are sensing. The ability to interpret and give meaning to the object is the next step, known as recognition.



**Action:** The action phase of perception involves some type of motor activity that occurs in response to the perceived and recognized stimulus. This might involve a major action, like running toward a person in distress, or something as subtle as blinking your eyes in response to a puff of dust blowing through the air.

# THE WILLING CHAIR

WITH LITTLE PROMPTING WILL GIVE HIS/HER  
VERSION OF WHAT HAPPENED



# THE UNWILLING CHAIR

- No compulsion to cooperate



# REQUIRED STEPS

- Receiver must be in “willing chair”
- If not, interviewer must move them to the “willing chair”
- Establish norm
- Build a rapport



# Establishing Rapport



- Witnesses, and especially victims, are often asked to give detailed descriptions of intimate, personal experiences to investigators, who are complete strangers. If anything, the investigator's formal appearance may create a psychological barrier between the investigator and the witness. To overcome this barrier, investigators should invest time at the beginning of the interview to develop a meaningful, personal rapport with the witness, a feature often absent in most interviews.



# BUILDING RAPPORT

- Conditions interviewee to talk
- Establishes baseline of behavior
- Begins immediately
- Establish trust

## Rapport builds relationships



- Awareness of other
- Showing interest
- Sensitivity
- Choosing right words
- Joining the dots



# BUILDING RAPPORT

- Its a meeting of the minds
- Helps find common ground
- Builds a level of trust



connect listen  
mirror  
identify respect  
rapport relate  
explain build

# BUILDING RAPPORT

- Know as much as you can about the other person
- Be an active listener
- Demonstrate interest
- Attempt to understand, not merely hear what is said
- Listen with your eyes, ears and “gut”



# BUILDING RAPPORT

- It's a process that facilitates human interaction
- It is a state of mind that reduces tension and anxiety and lessens the psychological barriers to communicate



# BUILDING RAPPORT

Find common  
ground

Speak their  
language

Match and pace

Listen for feelings  
and acknowledge  
them

Be “like” them

Empathize



**How to build rapport  
immediately**

**6 proven tactics**

# Establishing Rapport

# Building Rapport

When conducting any interview the investigator should:

- Find issues to agree upon
- Know what rights apply to circumstances.
- Be professional and prepared
- Control our demeanor



# BUILDING RAPPORT

- Identify what is important to the other person from their conversation.... *Then build conversation bridges from their interest*
- Express interest and empathy to their views, desires and demands





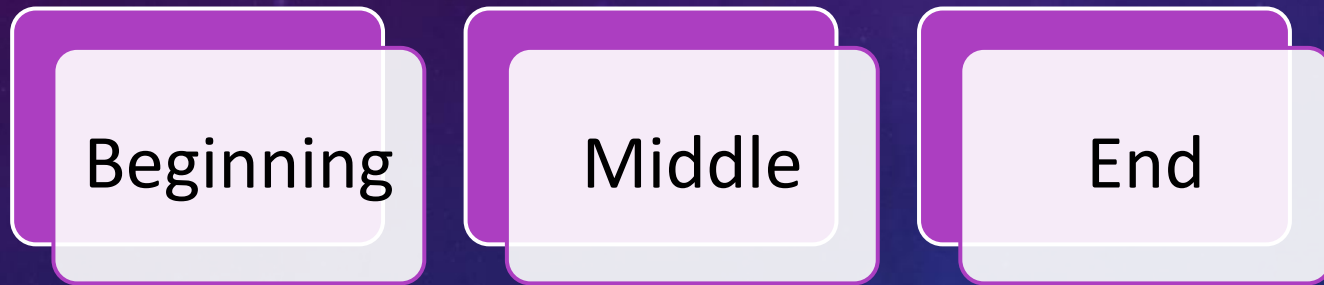
# ASSESS THE INTERVIEWEE'S ATTITUDE

The interviewer should keep in mind different attitudes displayed by the interviewee could indicate a variety of motives, which may or may not be genuine.

- **cooperative**—willing to answer your questions; appears to have nothing to hide. Beware of overly cooperative interviewees.
- **reluctant**—unwilling to answer questions; may be protecting someone or fears getting involved. The interviewee may have a general fear of the situation and/or the interviewer.
- **hostile**—uncooperative, unfriendly, aggressive attitude. The interviewee may be intentionally deceptive with relevant information. Hostility may be due to preconceived notions regarding authority or an attempt to conceal his or her involvement in the incident.



# THE INTERVIEW SHOULD BE LIKE A CONVERSATION



# ESTABLISH RAPPORT WITH AN INTERVIEWEE

The level of rapport you establish with an interviewee will depend on the classification of the interviewee (victim, witness, suspect, informant, complainant) and his or her characteristics (cooperative, reluctant, hostile).

- Introduce yourself and greet the interviewee.

- Using your first name and not mentioning rank may provide an informal and nonthreatening relationship between you and the interviewee. State your rank and credentials only if it will benefit you in the interview. Be friendly with a cooperative interviewee; be reserved with a hostile interviewee.

- Use casual conversation to establish rapport. Dispel fear.

- Use simple words and sentences. Avoid talking about the offense at first.

- Rely on effective interpersonal skills throughout the interview process.

- Listen carefully and show the interviewee that you are paying attention and are interested in what he or she is saying.

- Maintain eye contact. Nod your head in agreement. Smile at appropriate moments. Be courteous and considerate.

- Put the interviewee at ease by showing concern. Offer water, coffee, or a restroom break.

# ESTABLISH RAPPORT WITH AN INTERVIEWEE

Observe and interpret verbal statements and nonverbal cues. Look for obvious signs of deception and truthfulness. From your observations, you may want to reclassify the interviewee into one of the following categories:

Honest and cooperative—one who possesses information useful to the investigation and should be interviewed first to help you gather facts

Hostile and deceitful—one who deliberately lies and/or provides misleading information

Reluctant or suspicious—one who must be coaxed by you to provide information

Silent, know-nothing, uninterested—one who does not want to give you information

Timid or bashful—one who probably lacks education and self-confidence, fearful of police, etc.

Talkative or boastful—one who provides a lot of information that must be evaluated for substance and relevance to the case

Under the influence of medication, alcohol, and/or drugs—one who is affected by a substance at the time of the interview and whose information and actions may or may not be trustworthy

A man with short brown hair, wearing a black t-shirt and a small gold necklace, is smiling broadly on a stage. He has a black lapel microphone clipped to his shirt. The background is dark, suggesting a stage setting.

# How to build rapport

*Discover the leader within*

# MATCHING AND PACING

## Building Rapport

### *Techniques in establishing rapport:*

- *Mirroring and pacing body language*
- *Matching and pacing voice elements*
- *Matching process verbs*



Legality Factor<sup>TM</sup>, LLC

### Matching and Pacing:

#### Match:

- Tone of voice and pitch
- Level of language
- Posture

#### Pace:

- Reaction time
- Rate of speech

# MATCHING AND PACING



IN MATCHING AND PACING YOU FORMULATE ACCURATE DESCRIPTIONS OF THE INTERVIEWEE'S EXPERIENCE



THESE STATEMENTS WILL SERVE THE PURPOSE OF ESTABLISHING AGREEMENT AND DEVELOPING SUBCONSCIOUS RAPPORT BETWEEN THE INTERVIEWER AND INTERVIEWEE



DESCRIPTIVE PACING:



YOU FORMULATE DESCRIPTIONS BASED ON THE INTERVIEWEE'S EXPERIENCES BASED ON YOUR KNOWLEDGE OF HIM/HER, YOUR STUDY OF HIM/HER, YOUR STUDY OF HIM/HER, AND HE/SHE HAS TOLD YOU ABOUT THEMSELVES

# MATCHING AND PACING

## Objective Pacing:

Where the subject objects or resists and the interviewer agrees, matching his remarks to the remarks of the interviewee. For example, “the cops are always giving me a hard time.”

The interviewee will find what he was pushing against has vanished and his position has been negated.

## Pacing's Most Powerful form:

Language- How something is said is more powerful than What is said.

Timing: Don't rush and be patient



# Transferring Control

- The witness has extensive first-hand information about the crime. Therefore, the witness, and not the interviewer, should be doing most of the mental work. In practice, however, investigators often dominate the social interaction with witnesses by asking many questions that elicit only brief answers.

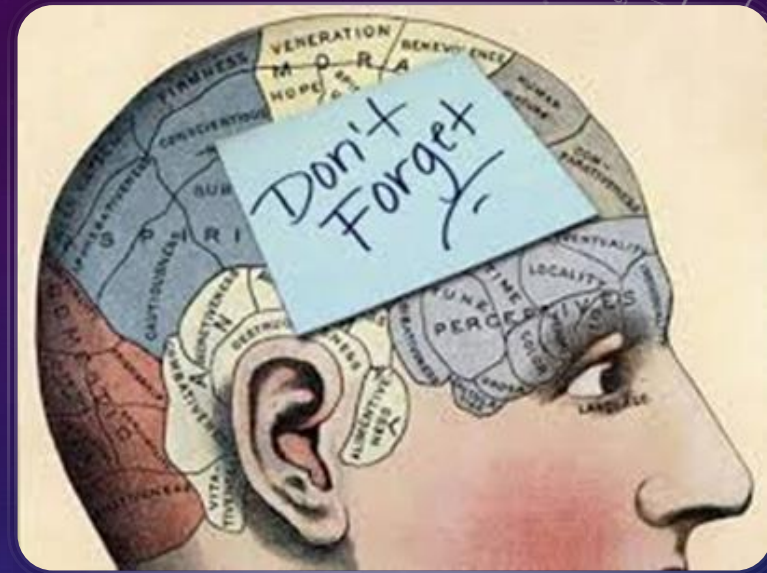




## Transferring Control

- This relegates witnesses to a passive role, waiting for the interviewer to ask questions. Interviewers can induce witnesses to take a more active role by (a) explicitly requesting them to do so, (b) asking open-ended questions, (c) not interrupting witnesses during their narrative responses, and (d) constructing the social dynamic so that witnesses perceive themselves to be the “experts” and therefore the dominant person in the conversation. The last point is especially important when interviewing children.

Both the witness and the interviewer are engaged in demanding cognitive tasks: The witness is attempting to recall and describe in detail a complex event; the interviewer is listening to the witness's response, generating and testing hypotheses about the crime, formulating questions, and notating the witness's answers. Because these tasks are cognitively demanding, the witness's and the interviewer's cognitive resources must be used efficiently.



**Encourage Reporting everything**

# OPEN-ENDED NARRATION

•Dr Edward Geiselman states, “Tell me in your own words whatever you can remember about the event (desired point on). Tell me everything you can, in as much detail as possible.



### Who?

- Ask the interviewee to explain who was present, the relationships of those present, and the reason for persons being present.

### What?

- Ask the interviewee to explain what the circumstances were, what the surroundings were like, what items were at the scene, what people were doing, etc.

### When?

- Ask the interviewee to recall date(s), before or after a significant event in time (birthdays, holidays, anniversaries, or current events), time of day the incident occurred (before breakfast, after lunch, daylight, or night), weather conditions (cold, hot, raining), etc.

### Where?

- Ask the interviewee where the incident occurred, e.g., on the street (type of street, dirt, brick, concrete, sidewalks or not), at a house, apartment, business (address), park, etc.

### Why?

- Ask the interviewee why something happened. Impress upon the interviewee not to leave out any information, regardless of whether he or she believes it is important.

### How?

- Ask the interviewee how the events or incident took place.

## AVOID LEADING QUESTIONS

WE USUALLY USE LEADING QUESTIONS TO GET THE INTERVIEWEE SOMEWHERE THAT WE THINK IS IMPORTANT. LET THEM TAKE US THERE.



# OPEN-ENDED NARRATION

Do not interrupt the witness during the narrative report.

Wait until the witness has completed the narration, and only then, when finished should you ask follow-up questions.

Just because you aren't talking, doesn't mean you aren't busy!

Note the witness' scenes and images during the narrative so that can probe them for more information later. (knife example on a draw)



NOTE KEY DECISION POINTS.  
(WHERE THEY PARKED, HOW THEY  
MADE THEIR APPROACH)

TAKE CURSORY NOTES, WITH JUST  
ENOUGH INFORMATION TO LATER  
RE-CREATE THE SCENES USING THE  
WITNESS' KEY WORDS AND  
PHRASES.

OPEN-ENDED NARRATION



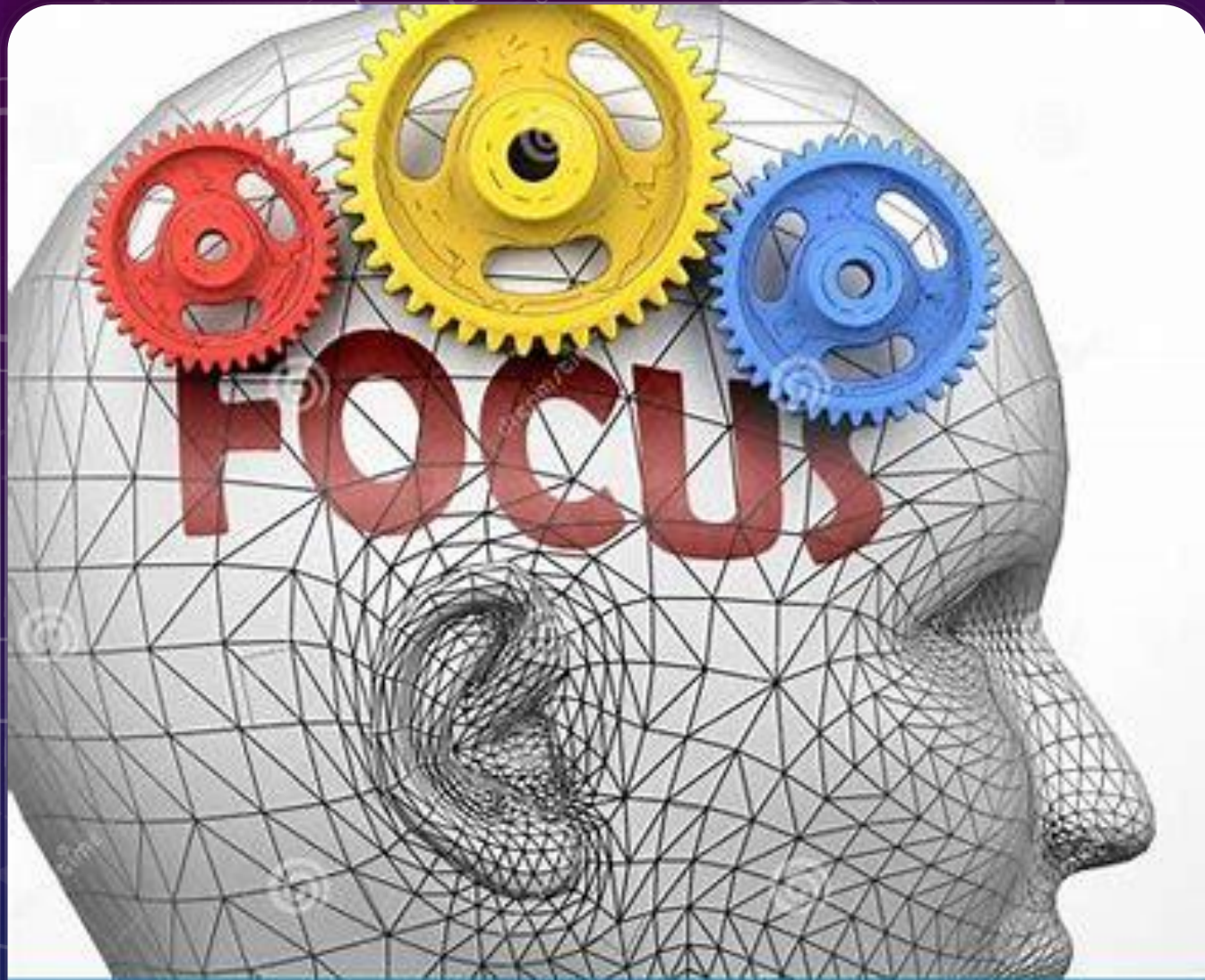
NOTE: "THICK DESCRIPTION." (AREA WHERE INTERVIEWEE DESCRIBES INCIDENT IN GREAT DETAIL, WHICH REVEALS THEIR FOCUS OF ATTENTION AT THE TIME.) IF THEY CAN DESCRIBE A PARTICULAR MOMENT IN GREAT DETAIL AND NOT OTHERS, IT TELLS US (THE INTERVIEWER) WHAT WAS IMPORTANT TO THEM AT THE MOMENT.

OPEN-ENDED NARRATION

MOST PEOPLE ARE NOT USED TO PROVIDING COMPLETE DETAILS WHEN DESCRIBING AN EVENT TO SOMEONE ELSE.

BE UP FRONT AND ENCOURAGE THE WITNESS TO DESCRIBE EVERYTHING THAT COMES TO MIND AS SOON AS HE/SHE THINKS OF IT, WHETHER OR NOT IT SEEMS TRIVIAL, OUT OF PLACE, OR INCONSISTENT.

ENCOURAGE THEM TO REPORT EVERYTHING



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## FOCUSED CONCENTRATION

REMIND THE WITNESS THAT MEMORY RECALL CAN BE DIFFICULT WORK. ENCOURAGE THE WITNESS TO MAKE THE EFFORT.

SOME SIGNS OF THE INTENSE CONCENTRATION:

- SLOW SPEECH
- CLOSED EYES OR LOOKING AWAY
- DILATED PUPILS
- INFREQUENT BLINKING
- LITTLE GROSS BODY MOVEMENT
- PHYSICAL RE-ENACTMENT

## SPECIFIC QUESTIONING METHODS

- \* USE OF OPEN-ENDED QUESTIONS
- \* ALLOW TIME FOR DETAILED DESCRIPTIONS
- \* USE PAUSES STRATEGICALLY
  - \* LISTEN WITHOUT INTERRUPTIONS
- \* AVOID NEGATIVE PHRASING OF QUESTIONS
- \* ENCOURAGE MULTIPLE RETRIEVAL ATTEMPTS
- \* CONSIDER PERIODIC REVIEWS



THERE ARE TWO MAIN GOALS  
FOR THE CLOSING OF THE  
INTERVIEW:

1. TO CREATE A POSITIVE,  
LASTING IMPRESSION.
2. TO EXTEND THE  
FUNCTIONAL LIFE OF THE  
INTERVIEW.



# Most common errors



- \* FAILURE TO ESTABLISH RAPPORT
- \* TOO MANY CLOSED-ENDED QUESTIONS
- \* INTERRUPTING
- \* FAILURE TO PAUSE AFTER THE INTERVIEWEE ENDS THEIR RESPONSE
- \* FAILURE TO GIVE THE INTERVIEWEE ENOUGH TIME TO DEVELOP THE REQUESTED SCENE
- \* ASKING QUESTIONS THAT SKIP AROUND FROM SCENE TO SCENE

# REVIEW

1. BUILD A RAPPORT
2. GIVE INSTRUCTIONS AND TRANSFER CONTROL
3. NARRATIVE (LISTEN)
4. QUESTIONS (FURTHER THE MEMORY/WHY DECISION WERE MADE)
5. RECALL AIDS (VIDEO/STATEMENTS ETC....)
6. REVIEW
7. CLOSURE (HARD QUESTIONS)





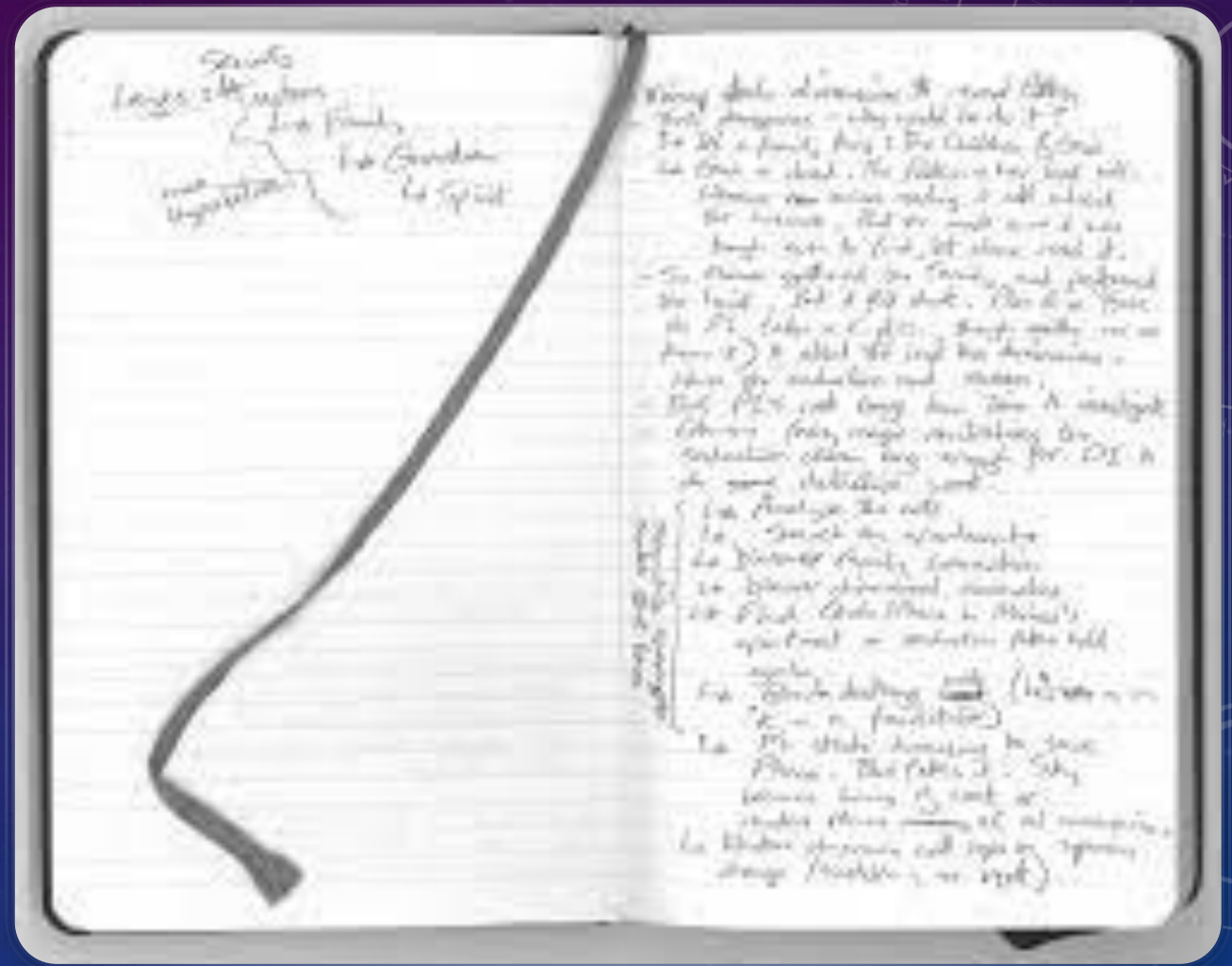
EQUATION FOR SUCCESSFUL INTERVIEW

MEMORY +  
COMMUNICATION =  
A SUCCESSFUL  
INTERVIEW



# DOCUMENT THE CASE WITH ORGANIZED NOTES

- Notes are useless if not written legibly
- Notes help you remember important facts
- Notes are helpful if another officer becomes involved in investigating the case
- Notes help you complete your final investigative report
- Notes are discarded, not destroyed (sounds better)



# LISTING YOUR WORK

- Develop a list of specific questions that must be answered throughout the investigation and interview process.
- As the investigation continues, you will formulate additional questions. This list will help you ask the important questions that will establish the elements of the crime and the individuals involved. Address these questions in subsequent interviews or re-interviews.



# THE INTERROGATION



# THE INTERROGATION PROCESS

What is an interrogation?

- To formally question someone
- The art and mechanics of questioning for the purpose of exploring or resolving issues
- The process by which acquired information is matched to a particular suspect for the purpose of gaining an admission or confession



# OBTAIN BACKGROUND INFORMATION ON ALL PERSONS INVOLVED IN THE CASE

**The following types of personal information will be helpful to know prior to an interrogation:**



full name



nickname or preferred name



aliases



date and place of birth



physical address (street name and apartment number) and how long



driver's license number



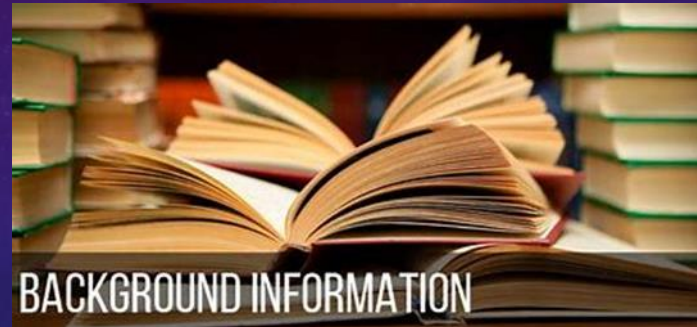
Social Security number



- ethnic origin
- family and relatives (e.g., parental relationships, marital history, siblings)
- level of education
- socioeconomic status
- primary language
- employment

# OBTAIN BACKGROUND INFORMATION ON ALL PERSONS INVOLVED IN THE CASE

- criminal history
- driving record
- credit report
- use or sale of illegal drugs
- military experience
- religious affiliation
- membership in organizations or associations
- Hobbies
- Insurance



medical history (mental, physical; an individual with an autism diagnosis is entitled to have a mental health or other related professional present, if the individual or parent of the individual so requests)

- use of tobacco and/or alcohol products

## OBTAIN BACKGROUND INFORMATION ON ALL PERSONS INVOLVED IN THE CASE

- The information may be contained in a report, or you may have to conduct a thorough search for background information. The extent of the search depends on the type of crime and the people involved. Background information will help establish the interviewee's normal behavior patterns, build rapport, and assist in developing themes that relate to the interviewee.



## INTERVIEWEE'S COMPETENCY AND CREDIBILITY TO TESTIFY IN COURT



- Factors include age, level of intelligence, mental state, relationship to individuals involved in the case, prejudice or bias, language barrier, mental state or impairment, and his or her presence, consciousness, and attentiveness at the scene of the incident.
- Determine if additional expert witnesses are needed, e.g., an investigator who specializes in arsons or sex crimes.



# QUESTIONING TECHNIQUES

## Who do we interrogate?

Individuals where guilt is known

- Guilt is suspected
- Hostile/reluctant witness
- Alibi witness

the

## When do we interrogate?

- \* After the majority of information is obtained
- \* After evidence has been processed
- \* After our case has been evaluated



# DETERMINE THE BEST LOCATION AND TIME FOR THE INTERVIEW

## *At the scene interviews:*

- • Establish information about the incident and identify those involved immediately.
- • First talk to the person(s) who can give the most information.
- • Don't interview more than one person at a time.
- • Consider your safety and that of the interviewee; maintain the ability to control the interview and interviewee.
- • Keep a distance from other people involved in the incident to avoid others overhearing the interview.
- • Separate witness(es), victim(s), and suspect(s) so that stories are not contaminated or rehearsed.
- • Be aware of individuals who may be reluctant or fearful to cooperate while at the scene.

# DETERMINE THE BEST LOCATION AND TIME FOR THE INTERVIEW

## 2. Post-scene interviews:

- Select the location that is best for you and the interviewee: your office, the interviewee's home or workplace, etc. An area that maintains privacy is always preferred.
- Consider your safety and that of the interviewee. Remember that your office gives you maximum control of the setting.
- Consider privacy and convenience to the interviewee, as appropriate.

# DETERMINE THE BEST LOCATION AND TIME FOR THE INTERVIEW

## 3. Pick a time for the interview.

- Schedule enough time for the interview.
- Interview individuals involved in or knowledgeable about the incident as soon as practical.
- Choose a time that is convenient for the interviewee, if possible.
- Alibi witnesses should be promptly interviewed to minimize the possibility of their setting up a false alibi.



# MINIMIZE DISTRACTIONS AND CONTROL THE INTERVIEW SETTING

1. Keep the interviewee's attention focused on you.
2. At the scene, control third parties and other distractions, and separate the victim(s), witness(es), and suspect(s).
3. For interviews conducted in your office, try to eliminate phones, pictures, personal belongings, and anything that would distract the interviewee.
4. Eliminate OIG/law enforcement-related items such as handcuffs, weapons, certificates or plaques, and jewelry, when possible.
5. Select the appropriate room.
6. Control personal liberties, such as eating, drinking, smoking, or telephone and restroom use, within the limits of the law.

# INTERVIEW ROOM

Choose the physical arrangement of the room for the interview.

- Position yourself close to the interviewee, but do not encroach on his or her personal space. Position chairs or stand so that you are facing the interviewee. If another interviewer or a translator is present, the person should position him- or herself to minimize distractions.



# INTERVIEW ROOM INFO

(1) Dress appropriately (uniform or plain clothes) and present a professional image. You should be clean and free of mouth and body odor. Your clothes should be clean and pressed.

(2) Arrive with proper equipment in working order such as audio or video recorder, paper and pen for note taking, file folder (real or simulated), photo lineup, facial composite kit, etc.

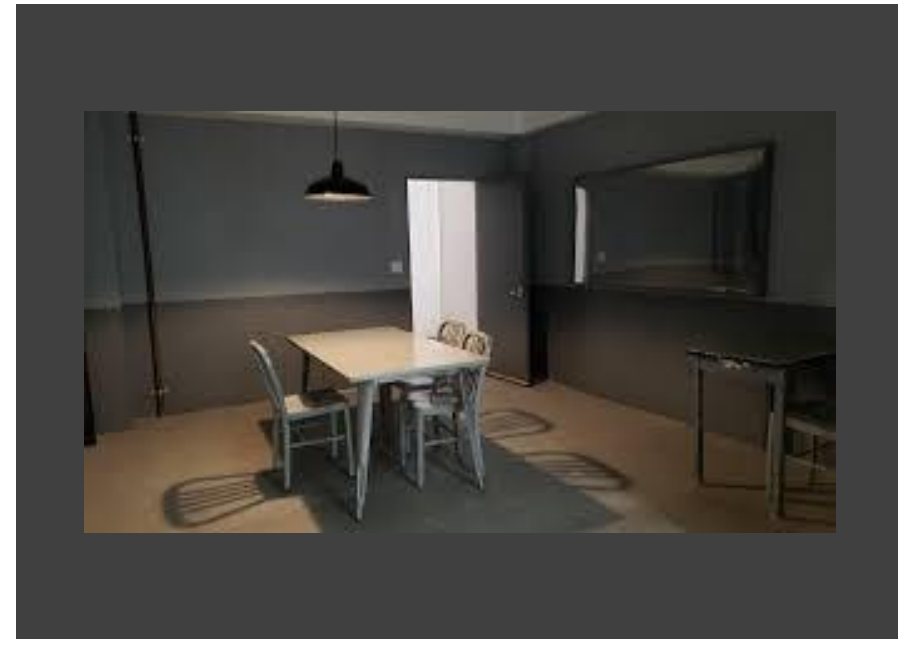
(3) Review case facts and prepare relevant questions to ask. (4) Be prepared to use a variety of interview techniques, interpersonal skills, acting skills, and skills to motivate and persuade. Special items such as pictures and crayons can be used to interview children. Know and follow your agency policies and procedures for interviewing juveniles.

(5) Be self confident, persistent, resourceful, compassionate, open minded, and objective.

(6) Be aware of your preconceived attitudes, prejudices, moral beliefs, and emotions. Leave them out of the interview room.

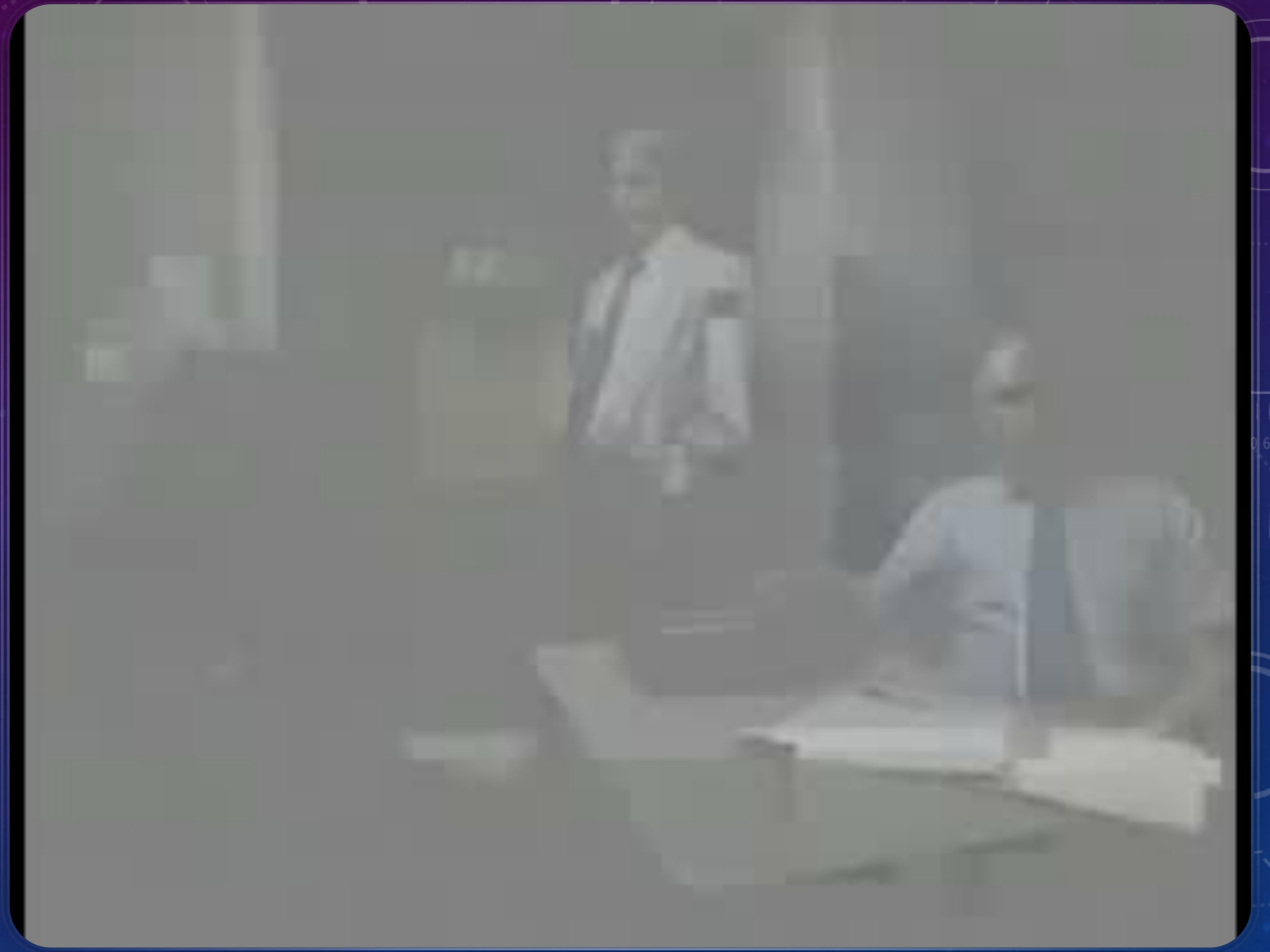


# STYLE OF INTERVIEW ROOMS





# GOOD INTERVIEW TECHNIQUE



# INTERROGATION TECHNIQUES

- 10 Factors that prove vital to successful interrogations:
  - 1. Preparing for the interrogation
  - 2. Setting and Environmental Considerations
  - 3. Case Facts Knowledge.
  - 4. Familiarity with Subjects' Background
  - 5. Documenting Confessions

# INTERROGATION TECHNIQUES



- 6. Establishing a Plan
- 7. Building a good rapport with the subject
- 8. Allowing enough time
- 9. Acquire adequate training
- 10. Know some interrogations will fail

# INTERROGATION

## TECHNIQUES

# THE INTERVIEW PROCESS

## COMPARISONS

Interviews

Interrogation

Non-accusatory

Accusatory

No Miranda

Miranda (Custodial?)

Informal-little to no structure

Highly structured-formal

Variable environment

Controlled environment

Fact finding

Evidence of involvement

Limited time

Almost no time limits

Note taking is essential

Little or no note taking



# Submission

During the video we observed the suspect moved to a defeated state. He displayed the following visual cues:

- Eyes down
- Crying
- Shoulders slumped
- Head in hands
- Hands covering face



# Police Interview and Interrogation Techniques

Michael R. Napier

DVD

## INTERVIEW TECHNIQUES

- The most crucial aspect of any interview or interrogation is the interviewer's ability to elicit truthful information from the interviewee. The techniques in this lesson are the most frequently used and effective in many circumstances. In addition, verbal and nonverbal cues are essential in detecting deception and/or truthfulness when used in conjunction with various interview techniques.

# SUBJECT RIGHTS

- The Fifth and Sixth Amendments to the United States Constitution guarantee certain rights to subjects when being interviewed and/or interrogated in connection to a crime. Applying these rights fairly and consistently during the investigative interview process is crucial to the admissibility of any statements made by the suspect.
- Every law enforcement officer is familiar with the Miranda warnings. In fact, anyone who watches television could probably recite the warnings without trouble. Knowing when they apply and how effectively to advise a suspect of his or her Miranda rights is a bit more complicated.



# WHEN IS MIRANDA REQUIRED

Miranda applies **only to custodial interrogations**. A custodial interrogation includes the following conditions:

The person is under arrest or is otherwise restrained.

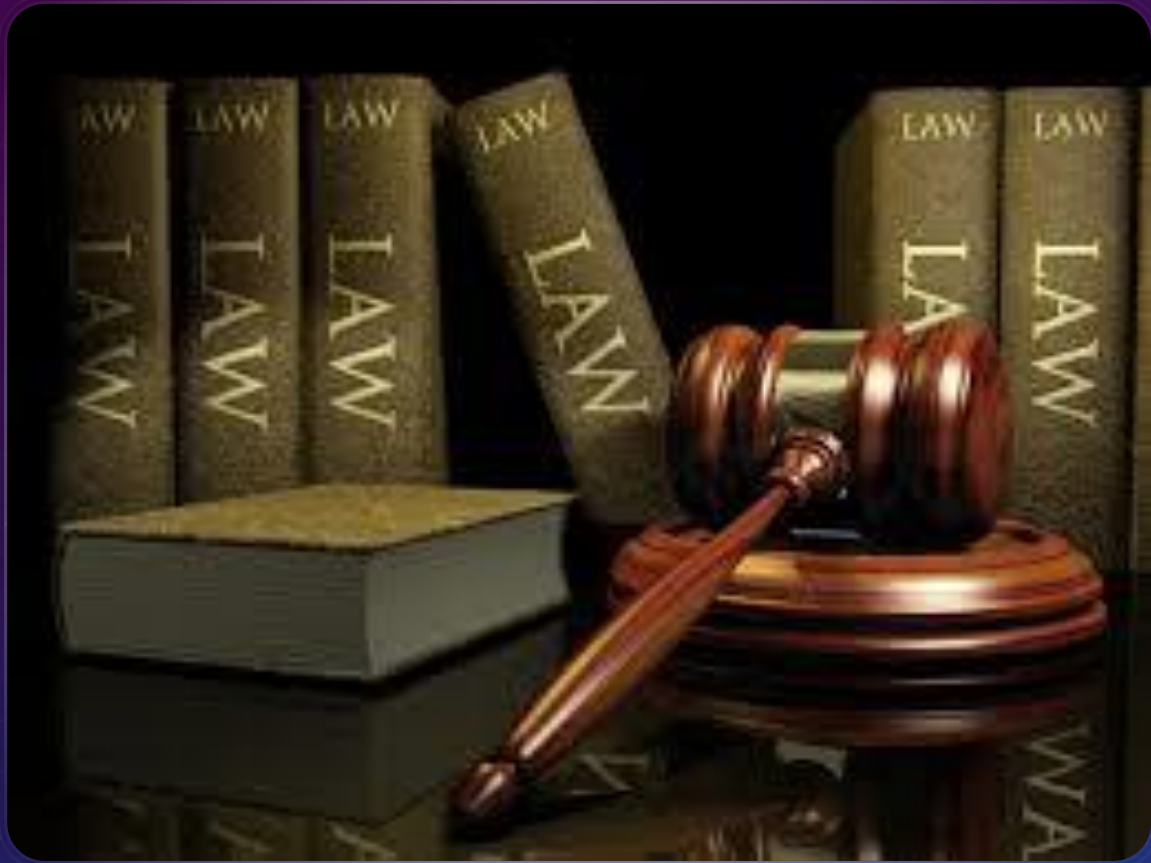
The interviewer is asking questions or engaged in other activity designed to elicit an incriminating response.

# CASE LAW THAT AFFECTS THE USE OF POLICE INTERVIEWS

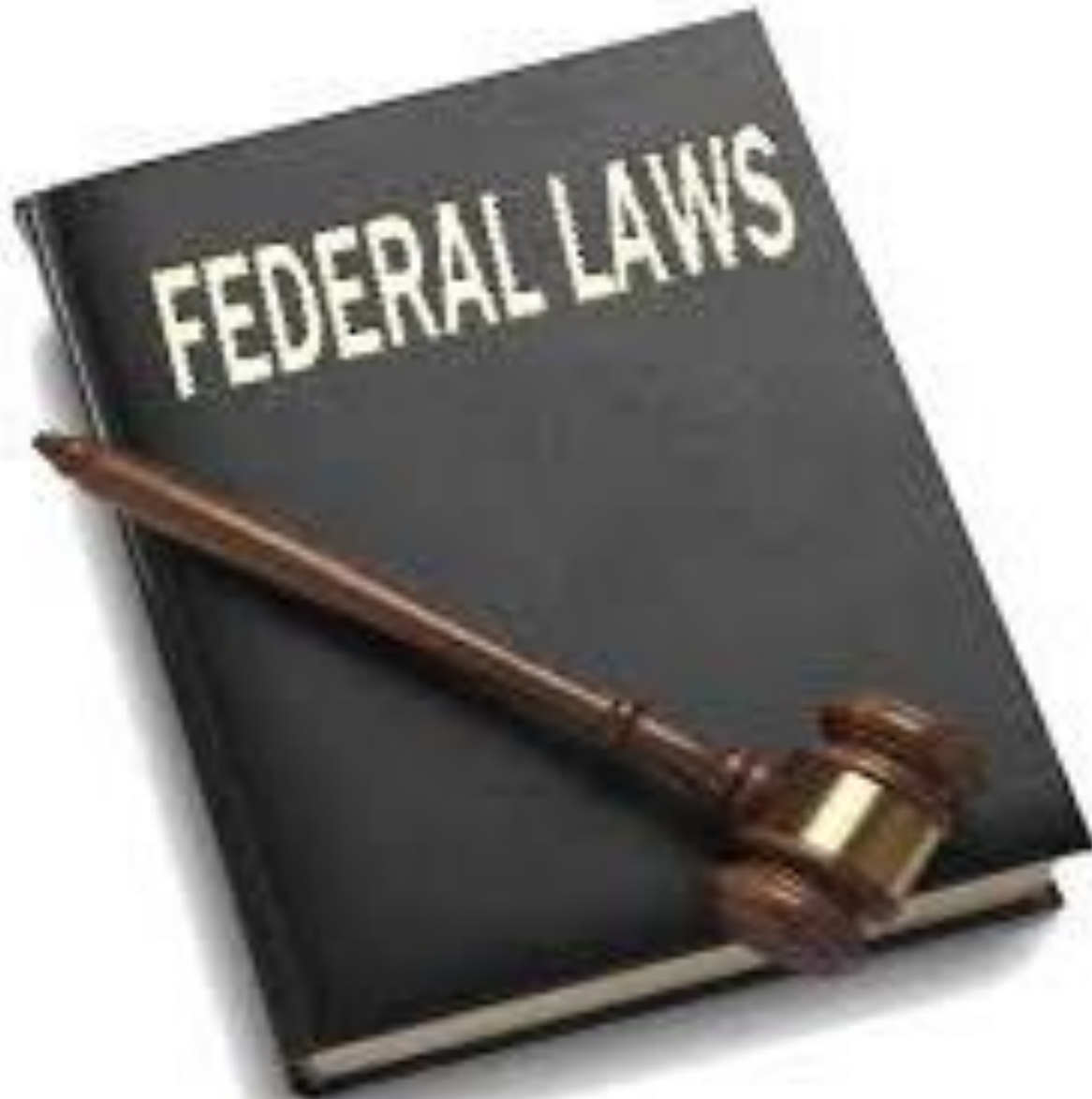


- 1. Brown v. Mississippi, 297 U.S. 278 (1936)—Use of force in obtaining a confession will make the confession inadmissible.
- 2. Chambers v. Florida, 309 U.S. 227 (1940)—Confessions will be inadmissible when intimidation or coercion are employed through brutality, deprivation, extended incommunicado interrogation, or questioning above the IQ level and age of a suspect.
- 3. Massiah v. United States, 377 U.S. 201 (1964)—Under the Sixth Amendment’s guarantee of the defendant’s right to counsel, the defendant’s incriminating statements, elicited by government agents after he had been indicted and in the absence of his counsel, were not admissible at his trial.

# CASE LAW THAT AFFECTS THE USE OF POLICE INTERVIEWS



- 4. Escobedo v. Illinois, 378 U.S. 478 (1964)—When questioning shifts from investigation to focusing on the subject with the purpose of obtaining a confession, the refusal to honor the accused’s request to consult with his or her attorney will make the statements inadmissible.
- 5. Miranda v. Arizona, 384 U.S. 346 (1966)—Whenever a person is taken into custody or otherwise deprived of his or her freedom in any significant way, he or she must be given warnings of specific rights regarding self-incrimination, or any statements made will be inadmissible.
- 6. Brown v. Illinois, 422 U.S. 590 (1975)—When a person is illegally arrested (without a warrant and without probable cause), incriminating statements made are inadmissible regardless of the use of Miranda.



# CASE LAW THAT AFFECTS THE USE OF POLICE INTERVIEWS

- 7. Oregon v. Mathiason, 429 U.S. 492 (1977)—Miranda warnings are not necessarily required simply because questioning takes place in a police station or because the questioned person is a suspect; there must be some restriction of freedom to place the suspect “in custody.”
- 8. New York v. Quarles, 467 U.S. 649 (1979)—Miranda warnings need not be given prior to asking a suspect questions reasonably prompted by a concern for public safety.
- 9. Rhode Island v. Innis, 446 U.S. 291 (1980)—Miranda warnings are required whenever a person in custody is subjected to express questioning or its functional equivalent, i.e., words or actions by law enforcement designed to bring an incriminating response from the suspect.

# CASE LAW THAT AFFECTS THE USE OF POLICE INTERVIEWS

- 10. Ramirez v. State, 739 So.2d 568 (1999)—Custody for purposes of Miranda encompasses not only formal arrest, but any restraint on freedom of movement of the degree associated with formal arrest.
- 11. Brewer v. Williams, 430 U.S. 387 (1977)—Statements made by police designed to elicit incriminating information may be considered “interrogation” even though no questions are asked directly of the suspect.



# CASE LAW THAT AFFECTS THE USE OF POLICE INTERVIEWS



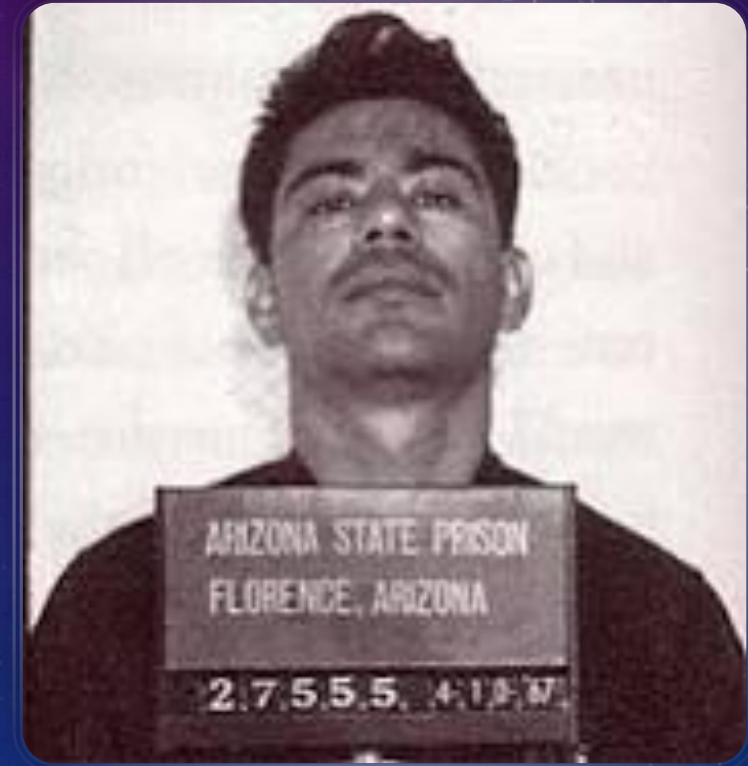
- 12. Maryland v. Shatzer, 130 S.Ct. 1213 (2010)—There must be a 14-day break between the end of the initial custodial interrogation of the subject and any resumption of interrogation of that subject. This can mean that if the subject is incarcerated, that he is returned to the general population for at least 14 days prior to being questioned again.
- 13. State v. McAdams, 41 Fla. L. Weekly S167a (Fla.) (2016)—Law enforcement must notify suspects of the presence of their attorney during questioning, regardless of whether the suspect is in custody.

# MIRANDA WARNINGS



# WHY IS IT CALLED MIRANDA

- Ernesto Miranda
- American worker
- Ernesto Arturo Miranda was an American criminal and laborer whose conviction on kidnapping, rape, and armed robbery charges based on his confession under police interrogation was set aside in the landmark ... Wikipedia
- Born: March 9, 1941, Mesa, AZ
- Died: January 31, 1976, Phoenix, AZ
- Conviction(s): Kidnapping and raping an 18-year-old woman





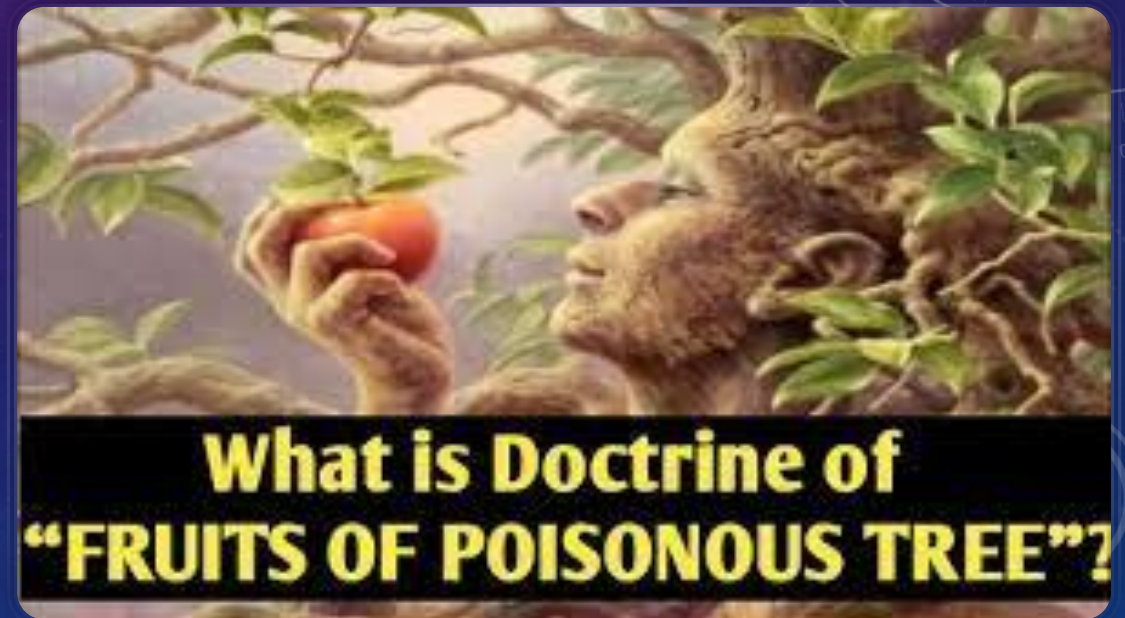


# RESULTS OF FAILURE TO PROPERLY GIVE MIRANDA WARNINGS

- Failure to advise a suspect properly of the Miranda warnings when they are required will result in the exclusion of any admissions or confession the suspect may have given. Any additional evidence acquired as a result of the suspect's statement may also be suppressed because of the taint from the Miranda violation under the "fruit of the poisonous tree" doctrine.

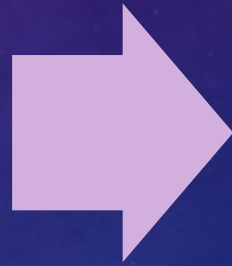
# FRUITS OF THE POISONOUS TREE DOCTRINE

- A doctrine that extends the exclusionary rule to make evidence inadmissible in court if it was derived from evidence that was illegally obtained. As the metaphor suggests, if the evidential "tree" is tainted, so is its "fruit." The doctrine was established in 1920 by the decision in *Silverthorne Lumber Co.*
- The fruit of the poisonous tree doctrine extends the exclusionary rule by excluding any evidence exposed through other evidence attained by an illegal search, seizure, or arrest.




# IMPORTANCE OF OBTAINING A WAIVER OF RIGHTS FROM A SUBJECT

After properly giving the warnings, you may lawfully interrogate the suspect only if he or she knowingly and voluntarily waived the right to remain silent and to seek the advice of a lawyer. Although the waiver doesn't need to be in writing—it can even be implied through the suspect's actions—you should seek a written waiver if possible.




A “knowing” waiver is reviewed in light of the suspect's age, education, language proficiency, circumstances of the advising of rights, mental condition, and whether or not he or she is under the influence of drugs or alcohol.

# IDENTIFY PROPER ACTIONS WHEN A SUBJECT INVOKES A CONSTITUTIONAL RIGHT OF SILENCE OR REQUESTS COUNSEL



If a suspect invokes his or her right to remain silent or to counsel, all questioning must cease immediately. You may re-approach a suspect who only invoked his or right to remain silent after a “significant lapse of time” as stated by the U.S. Supreme Court to see if he or she is willing to talk to you. If so, you must read the Miranda warnings again and ensure that a waiver is knowing and voluntary. A suspect who invokes his or her right to an attorney may not be re-approached until the custody status changes.



An in-custody suspect who has been formally charged may have a Sixth Amendment right to counsel applied to his or her case, so check with the state attorney or your department legal advisor before re-approaching that person to question them. Of course, if the suspect initiates contact, you may interrogate him or her after again reading the Miranda warnings and obtaining a knowing, voluntary waiver.

# IMPORTANCE OF OBTAINING A WAIVER OF RIGHTS FROM A SUBJECT

The “voluntary” aspect of the waiver means you didn’t do anything to coerce him or her into talking to you. Coercion can take subtle forms, so be careful not to do or say anything that could be misinterpreted as coercive. Limiting the number of officers present during the interrogation is important in this regard.

A subject with autism or an autism spectrum disorder has the right, upon his or her request or the request of his or her parent or guardian, to have a mental health or other related professional present at all interviews. If this request is made, the officer must make a good faith effort to ensure that such a professional is present.

# MIRANDA RIGHTS

If, at any time during the interrogation, the interviewee invokes the right to remain silent or requests to see a lawyer, stop the interview. A suspect who asks if he or she should get a lawyer is not necessarily invoking the right to counsel. However, you should be careful in responding to such questions. It is best to simply advise the suspect that the decision to talk to a lawyer is theirs alone.



AT APPROXIMATELY 3:40 P.M., DETECTIVE ZANCONATO AND I ENTERED SUBJECT INTERVIEW ROOM #1. PRIOR TO INTERVIEWING THE SUBJECT, HE WAS AFFORDED THE OPPORTUNITY TO RECEIVE A REFRESHMENT AND USE THE RESTROOM, AND HE DECLINED BOTH. THE SUBJECT THEN IDENTIFIED HIMSELF AS ROBERT LEWIS GREEN, AND PROVIDED ME WITH HIS PERSONAL INFORMATION, AS ANNOTATED ON THE LEAD SHEET OF THIS REPORT. I THEN ADVISED THE SUBJECT OF THE ALLEGATIONS MADE AGAINST HIM AND THE SUBJECT DENIED THE ALLEGATIONS.

THE SUBJECT STATED THAT WITHIN THE LAST 24 HOURS HE HAD CONSUMED TWO TWELVE OUNCE, NATURAL ICE BEER CANS. THE LAST ONE BEING DRANK AT APPROXIMATELY 11:00 A.M. HE STATED THAT HE DID NOT FEEL THE EFFECTS OF THE ALCOHOL AND UNDERSTOOD THE CONSEQUENCES OF THE CRIME HE WAS BEING ACCUSED OF. HE HAD NOT CONSUMED ANY DRUGS, OR MEDICATIONS WITHIN THE PREVIOUS 24 HOURS. HIS HIGHEST LEVEL OF EDUCATION WAS THE NINTH GRADE, WHICH HE COMPLETED AT MIAMI SOUTHRIDGE SR. HIGH SCHOOL. HE READS AND WRITES IN ENGLISH. HE ADVISED THAT HE SUFFERS FROM DEPRESSION, FOR WHICH HE HAS SEEN A PSYCHOLOGIST.

AT APPROXIMATELY 4:45 P.M., THE SUBJECT WAS PRESENTED WITH A PRE-PRINTED, STANDARDIZED MIAMI-DADE POLICE DEPARTMENT MIRANDA WARNING FORM, IN ENGLISH. I REQUESTED THE SUBJECT READ EACH RIGHT ALOUD, AND AFFIX HIS INITIALS NEXT TO EACH "YES" BLANK, INDICATING HE UNDERSTOOD EACH RIGHT. THE SUBJECT THEN AFFIXED HIS INITIALS NEXT TO EACH "YES" BLANK, INDICATING HE UNDERSTOOD EACH RIGHT. THE SUBJECT THEN AFFIXED HIS INITIALS NEXT TO THE "YES" BLANK, INDICATING HE WOULD SPEAK TO THESE INVESTIGATORS WITHOUT HAVING AN ATTORNEY PRESENT. THE SUBJECT THEN SIGNED AND DATED THE FORM, IN THE PRESENCE OF DETECTIVE ZANCONATO AND MYSELF. FOR FURTHER DETAILS, REFER TO THE MIRANDA RIGHTS FORM, WHICH HAS BEEN MADE A PERMANENT PART OF THIS CASE FILE.

# QUESTIONING TECHNIQUES

- Why do we ask questions? Why do interview?
- Gather information
- Test validity of information





# QUESTIONING TECHNIQUES

Where do we interrogate?

Planned – office, station, bureau  
(always plan your interview)

How do we interrogate?

- Interrogation plan
- Interview plan
- Interrogation techniques
- Interview techniques
- Observation during the interview process

# IDENTIFY HOW TO FORMULATE A PROPER QUESTION FOR AN INTERVIEW

Do not underestimate the importance of properly formulating your investigative questions. Planning and careful preparation of your questions may be the key to a successful interview.

Types of questions typically used in an interview include the following:

Direct:—“Did you take the money?”

Leading—“When you robbed the store, did you know they had a camera that took your picture?”

Forced alternatives:—“Did you hit her in the head before or after you raped her?”

Open-ended—“What happened?”

Close-ended—“Did you see the license plate number?”

# STATE THE PURPOSE OF THE INTERVIEW.



SIMPLE STATEMENTS CAN CONVEY THE PURPOSE OF THE INTERVIEW. ASK QUESTIONS, SUCH AS:



“DO YOU KNOW WHY YOU’RE HERE?”



“HELP ME GET THE FACTS STRAIGHT.”



“IT SEEMS THERE’S BEEN A MISUNDERSTANDING AND WE NEED TO CLEAR UP SOME THINGS.”

# ASK QUESTIONS TO PROMPT THE INTERVIEWEE TO RELATE HIS OR HER ACCOUNT OF THE INCIDENT



Let the interviewee recount the incident first. Ask questions only as necessary for your understanding. The following are examples of open-ended questions designed to evoke a narrative response:

“Explain what happened.”

“Tell me, what happened next?”

“How did it happen?”

“How did you get involved in this situation?”

“Why did it happen?”

“Why do you think this happened?”

“Then what did you do?”

“Who were you with?”

“Where did you meet?”

“How long were you there?”

# ASK QUESTIONS TO PROMPT THE INTERVIEWEE TO RELATE HIS OR HER ACCOUNT OF THE INCIDENT



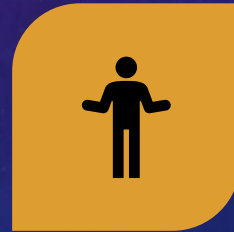
IF THE INTERVIEWEE ESTABLISHES AN ALIBI, MAKE SURE YOU GET ENOUGH INFORMATION TO VALIDATE THE ALIBI. REVIEW THE INTERVIEWEE'S STORY TO CLARIFY AND FILL IN THE GAPS. ASK QUESTIONS, SUCH AS:



"WHAT COLOR WAS THE CAR?"



"HOW TALL WAS THE MAN? WAS HE TALLER OR SHORTER THAN ME?"



"WHO DO YOU KNOW THAT LOOKS LIKE THIS PERSON?"



"WHO IS 'THEM'?"

# ASK QUESTIONS TO PROMPT THE INTERVIEWEE TO RELATE HIS OR HER ACCOUNT OF THE INCIDENT

Use simple, easy-to-understand words and sentences. Use neutral words when referring to the offense. For example, use the words “take” or “use” rather than “steal” and “injured” or “hurt” instead of “kill.” Use the words “the thing that happened” when talking about a murder or rape. Refer to being involved as “getting yourself into this situation.”

Check the detailed list of questions you developed in the preparation for the interview and ask questions that need answers. You may also ask newly formulated questions about information that comes to light in the interview.

# IDENTIFY HOW TO FORMULATE A PROPER QUESTION FOR AN INTERVIEW



Reflective—This type of question is a restatement of what the interviewee just said. Use it to confirm the answer, expand what the interviewee said, or test your theme or analogy. For example:



Interviewee: “I didn’t mean to do it!”



Interviewer: “Were you just having fun and things got out of hand?” or



“Are you sorry it happened?”



# CONDUCTING AN INTERVIEW

Reinforce the importance of honesty and openness for the interviewee.

Reinforcement of honesty may be part of your analogy or theme. For example: "People will respect you for telling the truth."



# OPTION TO INFLUENCE BEHAVIOR



Story: Must be similar to interviewee's situation



Analogy (parable): The work "like" or "as" will appear in the context of the sentence



Suggestion: This is a two-part statement

1. Truism
2. the admission we want to obtain (the suggestion)

# IDENTIFY THE WHO, WHAT, WHEN, WHERE, WHY, AND HOW FACTS OF THE CASE

## 1. Establish the elements of the crime/ administrative violation.

- What occurred? What was the method of operation?
- Was it a crime against persons?
- Was it a crime against property?
- Who was involved?
- When did the incident occur? (date and time)
- Where did the incident occur? (establishes jurisdiction)
- Why did it happen? Is there a known motive for the incident?
- How did it happen?

## 2. Review the case facts as known (at the scene, when possible).

# IDENTIFY THE WHO, WHAT, WHEN, WHERE, WHY, AND HOW FACTS OF THE CASE

- 3. Identify person(s) who can give you the maximum amount of information
- Document witnesses' identity (or aliases) and contact information.
- Document witnesses' basic observations.
- Obtain a description of the suspect, when possible.
- If applicable, interview the victim's associates.
- If applicable, interview the suspect's associates.



## IDENTIFY THE WHO, WHAT, WHEN, WHERE, WHY, AND HOW FACTS OF THE CASE

### 4. Conduct a post-scene case review of case facts. Review:

- **Incident**, offense and any arrest reports
- victim's statement
- statements of witnesses
- information pertaining to the suspect, associates, etc.
- photographs, laboratory reports, evidence, etc.



# ESTABLISH A TIMELINE FOR THE EVENTS LEADING TO THE INCIDENT

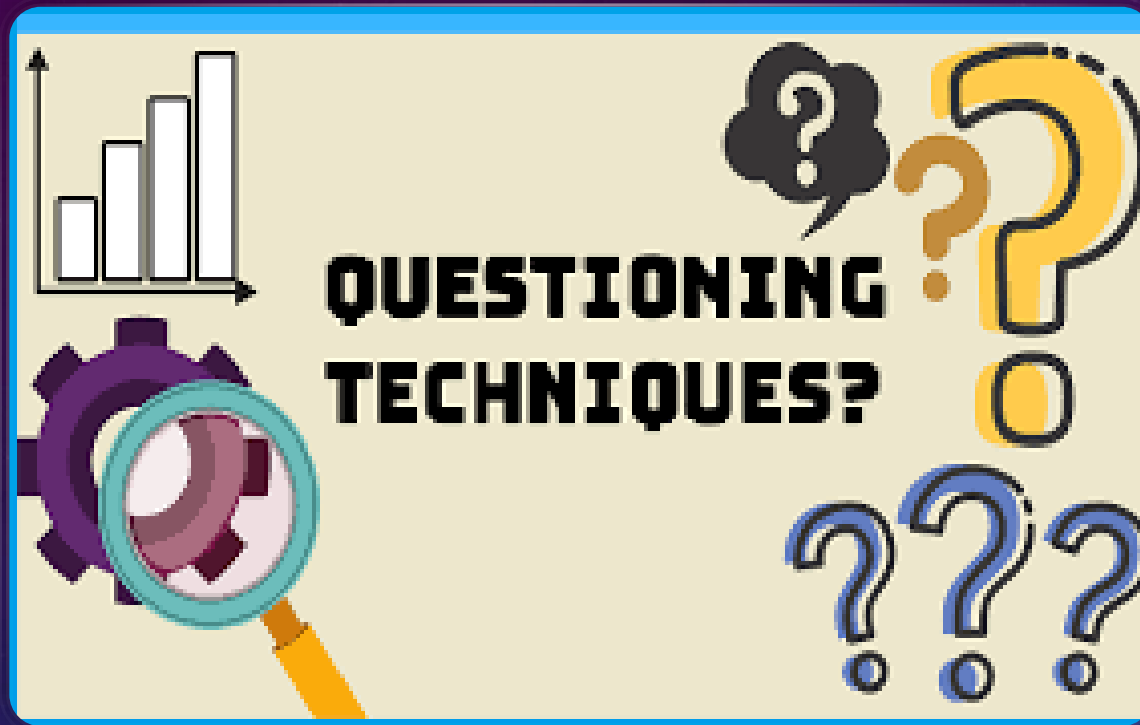
- Update the information as facts are discovered. This tool will help keep the case organized. Timelines help establish what you know, what you don't know, and what you need to know.
- Keep a cheat sheet/things to do and update it in real time.



# QUESTIONING TECHNIQUES

Type and sequence

- Open – allows freedom in response
- Closed – always for more control of response
- Primary – always for versatility
- Baiting – sets up a trap
- Neutral – develops information
- Tie down – facilitates an admission
- Double edged – provides a choice



# QUESTIONING TECHNIQUES

- **Who** – who is involved, who did it, who saw it?
- **What** - what happened, detailed.
- **When** – when did it happen, detailed.
- **Where** – where did it happen, did it happen anywhere else?
- **How** – how did it happen, very detailed.
- **Why** - why, why, why.. only during confessions to we get to the true why
- **Why is why we do this...** the rest we can kinda figure out



# QUESTIONING TECHNIQUES

Proper use of questions will result in the following:

Stimulate the mind

People prefer talking to listening

The automatic impulse is to answer

People pay more attention to a question than a statement



# QUESTIONING TECHNIQUES

## Open ended questions:

Used mostly in non-directive interviews

These types of questions are broad in nature and allow the respondent considerable freedom

## Open ended questions

Help the interviewer :

- Gain information
- Persuade people
- Clear up thinking

# QUESTIONING TECHNIQUES

## Open Questions Advantages:

- Person talks, we listen and observe with our eyes and ears
- Poses little threat
- Reveals what person thinks is important to him or her
- Emotions, or lack of, will be shown
- Allows them to become involved, to participate in the exchange and come up with new information on their own
- Creates a conversational tone and eliminate a sense of interrogation associated with closed questions
- People respond more to “could or would” questions



Not big on small talk? Are you struggling to keep any conversation going? I got you. This guide about open-ended questions is what you need!

- 2**  What are you passionate about?
- 3**  Do you think people deserve second chances?
- 4**  What do you do when you hang out with your friends?
- 5**  What is something you are obsessed with?

# QUESTIONING TECHNIQUES

- Open ended questions disadvantages:
- Rambling – you can end up with a negative reaction if you have to keep them from rambling on and on
- Time – takes much longer to do



# QUESTIONING TECHNIQUES



## OPEN ENDED QUESTIONS

- Open-ended questions are designed to prompt the suspect or witness to give a narrative response rather than just a “yes” or “no” answer

“Tell me what happened...”

“Describe your activities...”

# QUESTIONING TECHNIQUES

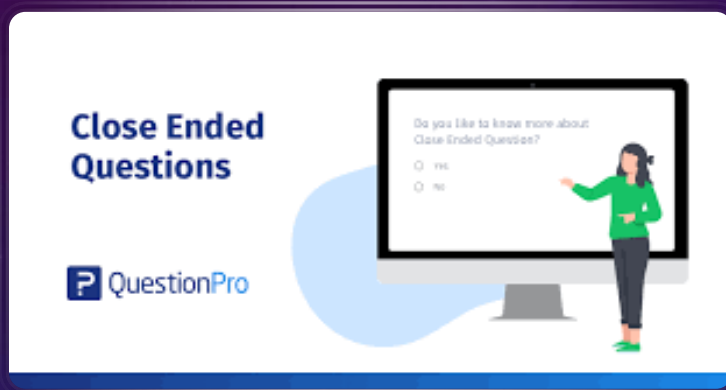
## Closed ended questions

### Advantages:

- Easier to maintain
- Less time consuming

### Disadvantages:

- Very restrictive in nature and may limit information received
- Potentially valuable information may not be mentioned
- “rapid fir” question approach
- Answer options are limited
- Interviewers must know the knowledge level, language level and frame of reference if interviewee ahead of time



# QUESTIONING TECHNIQUES

Closed ended questions get specific responses, usually to clarify information provided during narrative responses to open ended questions.

Examples:

“What color was his hat?” “Shirt?”

“How fast were you driving?”

“What kind of car was she driving?”

Multiple choice questions are also close ended

“Was the car four door or two door?”

“Was the suspect running or walking when he left the house”

Yes/No questions are also close ended

- “Were you in the house when this occurred?”
- “Do you own a gun?”
- “Did you point the gun at him?”
- “Did you, do it? Hurt your wife? Take the money?”

# QUESTIONING TECHNIQUES

- Considerations:
- Open and closed questions should be used interchangeably
- Avoid giving out your information in closed end questions
- Contradictions need to be identified
- Tactfully point out discrepancies
- Ask one question at a time
- The more the interviewee talks, the less the interviewer needs to talk



# QUESTIONING TECHNIQUES

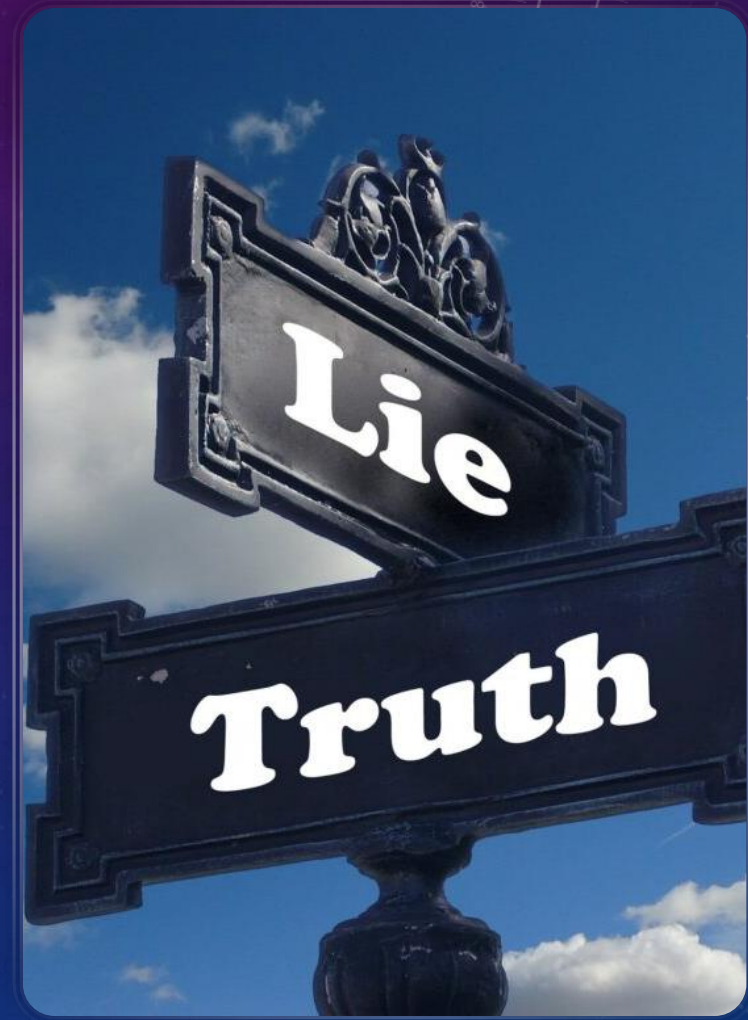
- **Planned or Primary Questions:**
- Also known as structured questions.....
- These questions are planned ahead of time
- Intertwine these questions into the general conversation
- Do not lead the interviewee
- You are not looking for facts at point, but are testing the veracity (truthfulness) by their responses





# Planned or Primary Questions

- Who do you think had the best opportunity to do this?
- Responses:
- Truthful person – includes themselves
- Deceptive person – excludes themselves
- A person who includes themselves tends to be truthfully normally
- A deceptive person will not give a statement against one's own self interest



# 5

## ASSUMPTIVE CLOSE QUESTIONS TO ASK

"What method of payment would you like to use?"

"How quickly would you like the product delivered?"

"Whose name do I make the invoice out to?"

"How many of these items do I need to put you down for?"

"What day do you want our technician to do the installation?"

# THE ASSUMPTIVE QUESTION

Use

- With victims and witnesses the exaggerated question *generally* does not need to be used
- Let this question work for you, not against you (one word answers)

- Witness

- "How often do you frequent this club?"

- **NOT**

- "Have you been to this club before?"

- Victim

- "How many times have you seen this guy before?"

- **NOT**

- "Have you seen him before?"

# THE ASSUMPTIVE QUESTION

- Use the assumptive question to turn your admissions into confessions during the development of the who, what, when, where, how, and why



- “How much money do you have left?”

NOT

- “Do you have any more of the money?”

- “How many other times have you done this? It’s not like 50 is it?”

NOT

- “Is this the first time you have done this?”

# PRACTICAL KINESIC INTERVIEW & INTERROGATION® A BASIC GUIDE



Stan B. Walters "The Lie Guy"

## KINESIC INTERVIEWING

- In this interview technique, the interrogator asks the suspect a series of non-stressful questions in order to establish their normal pattern by observing their non-verbal reactions (ques).
- In other words, by observing the interviewees facial and body movements, during and after answering the question, the detective gets an idea of how they normally respond when they are telling the truth.
- This is vital information to be used in vetting any deceptions as the intensity of the interrogation increases.

# WHEN TO INTRODUCE EVIDENCE



- One of the basic rules of negotiation is to avoid showing all of your incentives at the start of a negotiation. For example, think back to a time you purchased a vehicle from a dealership. You picked out the vehicle you wanted, you took the test drive, and then you sat down with the salesman to discuss the price of the vehicle. The salesman quoted you a price suggesting you were getting a great deal. When you suggested that you were going to check the price at another dealership, the salesman probably asked you to wait for a second, went to the back to speak with his boss, and then miraculously came back with dealer incentives that were not presented to you at the beginning of your negotiation.

•This is not done by accident. If you walked into the dealership and the salesman, put all the cards on the table immediately, there would have been no incentive to keep you at the negotiation table when you decided to look elsewhere. Keeping the same concept in mind, if we enter an interview or interrogation and lay out all of our evidence at the very beginning, we also have nothing to negotiate with when the suspect does not budge.



## **WHEN TO INTRODUCE EVIDENCE**

# WHEN TO INTRODUCE EVIDENCE



•Introducing evidence normally has the following effects:

- It gets the suspect to change their position
- it can generate conversation,
- it can shut them down,
- it can get them to tell the truth! If we introduce all of our evidence at the start, we limit our chances of negotiating a continued conversation.

## GENERATE CONVERSATION

Introducing evidence generates conversation. This is extremely important, especially with a quiet suspect. Sometimes we interview suspects who barely speak, or they don't speak at all; they kind of stare at the wall as you go on and on about the facts of the case. The truth can't be told through silence. Introducing evidence may generate conversation in these scenarios. A conversation may lead to the truth.

# WHEN TO INTRODUCE EVIDENCE


## GET THE TRUTH

At times stars align just right, introducing evidence can elicit the truth almost immediately. Confronting a suspect with hard evidence may be enough to get them to admit their guilt. This is obviously the ideal situation; if only all interrogations were this easy.



# WHEN TO INTRODUCE EVIDENCE

- When you are interviewing a suspect, don't just arbitrarily throw out evidence against the wall hoping that it sticks. Introduce your evidence when it needs to be introduced. One piece at a time, when you are at a standstill, and you need to generate conversation or get them to change their position. Tactically Introducing Evidence can generate fantastic results.



**THROW SPAGHETTI AT A WALL.  
SEE WHAT STICKS.**

# WHEN TO INTRODUCE EVIDENCE



During the evidence presentation or monologue the interviewer should be doing most of the talking. This is one of the few times the interviewer will dominate the conversation.

This is fact-by-fact statement of what happened, using pieces of evidence from your investigation

Interviews

Photographs

Receipts

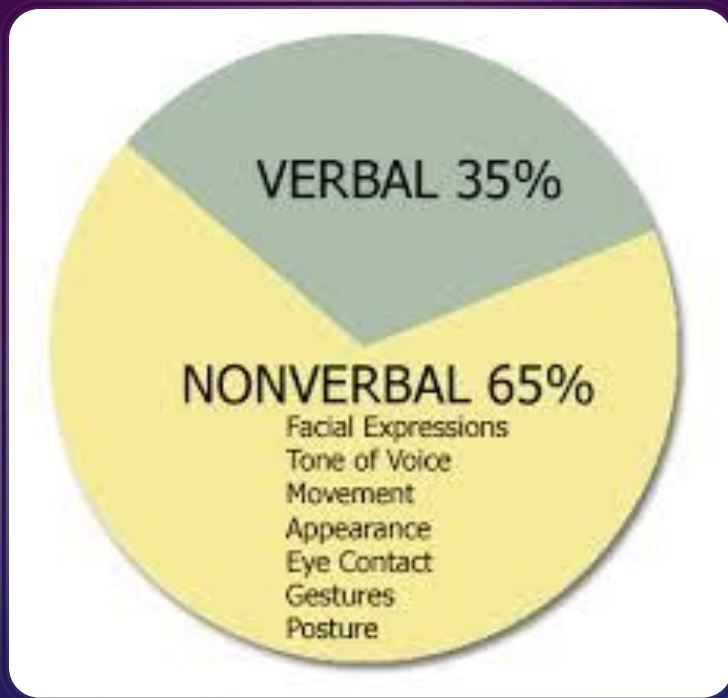
Forensic reports

# WHEN TO INTRODUCE EVIDENCE

- During the evidence introduction phase, the suspect may initially, directly deny and denouncement of any involvement or wrongdoing.
- May come from both the guilty as well as the innocent.
- “It wasn’t me”
- “I didn’t do it”
- “You guys are wrong, I had nothing to do with this”
- We want to shut down before it is uttered



## RECOGNIZE VERBAL AND NONVERBAL CUES INDICATING AN INTERVIEWEE'S TRUTHFULNESS OR DECEPTION.



The study of kinesics focuses on the communicative aspects of hands and arms, posture, and gross bodily movements. Behavioral analysis (kinesics) allows the interviewer to analyze body language as well as verbal responses of the interviewee. To be effective, the interviewer must listen attentively and observe the interviewee closely. The technique requires the use of standard investigative questions and selected questions designed to evoke verbal and nonverbal responses. It is beneficial to incorporate behavioral analysis during the interview process.

# CAUTIONS WHEN EVALUATING VERBAL AND NON-VERBAL CUES

## CULTURE

What behaviors are normal for a particular culture?

## CHANGE

\*Are changes due to: Interviewer's questions? Or, normal behavior pattern?

## CONTEXT

\*Why did change occur? Deceptive most often within 1-5 seconds after question Consider environment, illness, hunger, fatigue etc.

## CLUSTERS

\*Two or more nonverbal behaviors displayed within one to five seconds after a stressful or "key" question.



# ALL VERBAL AND NON-VERBAL BEHAVIOR NEEDS TO BE BASELINED FOR EACH INTERVIEWEE.



- Behavioral baseline is “a state of behavior which is steady in form or frequency.” When using the term baseline behaviors, these are a measure of what is within a “normal” range for person when not under particular stress, anxiety, but how they function day-to-day.
- This is used to identify changes in behaviors later in the interview, based on stressed cause by questioning.



# VERBAL AND NONVERBAL CUES INDICATING TRUTHFULNESS OR DECEPTION

Factors that indicate an interviewee's deception through observation and evaluation of behavioral analysis:

## 1. PHYSIOLOGICAL SIGNS

increased perspiration, flushed or pale skin, dry mouth, and increased pulse rate or observable change in breathing rate.

## 2. BEHAVIORAL SIGNS

nervous movements, pacing, voice inflections, inability to sit still, refusal to look at questioner, rehearsed answers, inconsistent responses, attempts to change line of questioning, eagerness to help, too much or too little clarification, and repeated insistence that simple questions are not understood.

# VERBAL AND NONVERBAL CUES INDICATING TRUTHFULNESS OR DECEPTION

## 3. Verbal expressions

- “I swear to God . . .” or “I’ll swear on a stack of Bibles . . .”
- “Why would I do such a thing?”
- “Not that I recall.”
- “I have a spotless record.”
- “Now, I’m not going to lie to you . . .”
- “I was too drunk to remember.”
- “Honestly . . .” or “Truthfully . . .”
- “. . . that’s about it.”





## FACTORS THAT INDICATE AN INTERVIEWEE'S TRUTHFULNESS THROUGH OBSERVATION AND EVALUATION OF BEHAVIORAL ANALYSIS



1. **body language**—open and receptive body posture, maintaining eye contact with the interviewer, composed, relaxed



2. **behavioral signs**—answers that are unrehearsed, consistent, direct, exhibiting confidence, obvious sincerity in assisting the interviewer

# HOW TO EVALUATE FACTORS INDICATING TRUTHFULNESS OR DECEPTION

It is important for the interviewer to properly evaluate the reliability of the interviewee's verbal and nonverbal behaviors. Nonverbal behaviors should be congruent with verbal responses and should be read in "gesture clusters" within zero to six seconds after the interviewee is asked the question. When gestures are in clusters, their meaning becomes easier to read. For example, while an interviewee's fidgeting may not mean much on its own, if he or she is touching his or her face, avoiding eye contact, and holding his or her hands near the mouth and fidgeting, odds are the interviewee is not being entirely honest.



The interviewer should be cautious to identify the interviewee's (truthful) responses and nonverbal language during the initial interview during which background information was obtained. Utilize these observations throughout the interview process.

# THE USEFULNESS OF THEMES AND ANALOGIES DURING THE INTERVIEW PROCESS

Using persuasive interview techniques requires imagination and application of various themes and analogies to the situation and relevant issues. In order to be successful, skilled interviewers must have a working knowledge of human behavior and motivation.



Theme development is a persuasive technique that involves using themes to relate to the interviewee and circumstances surrounding the incident. It urges the interviewee to understand your point of view and justifies the value of telling the truth. Themes serve to morally—not legally—justify a crime. A theme does not relieve the suspect of legal responsibility or consequences for their actions, but rather allows them to save face and dignity.



A theme is designed to present the suspect with some type of moral justification for their behavior. Most people tend to minimize or rationalize responsibility for their actions by placing blame on someone or something else.

# THE USEFULNESS OF THEMES AND ANALOGIES DURING THE INTERVIEW PROCESS

Analogies involve using a comparison between a good choice or a bad choice that can be presented to the interviewee regarding his or her behavior. Examples are:

- “Who deserves the most respect: a liar or the honest person who admits he made a mistake?”

- “Wouldn’t your children respect you more for telling the truth?”

047 Interviews and Interrogations Page 18

- “In this case, would you rather be treated as a person who is a criminal or a person who made a mistake?”

Other examples of themes and analogies include empathetic and/or sympathetic, rationalization/minimization, and logical/direct approach.

# THE EMPATHETIC AND/OR SYMPATHETIC INTERVIEW TECHNIQUE

This technique requires the interviewer to show empathy (personal understanding) or sympathy (compassion) to gain the interviewee's confidence. Examples are:

- “Anyone in this situation might have done the same thing.”
- “I understand your problem, I’ve been there.”
- “My friend (or relative) worked out a similar problem by admitting his mistakes and starting a new life.”



## THE RATIONALIZATION MINIMIZATION THEME FOR AN INTERVIEW

This technique helps the interviewee justify and explain his or her actions. Examples are:

- “You had to take it to buy medicine.”
- “You couldn’t let him get away with it after what he did to you.”
- “I understand that you were not trying to hurt anyone; you were just having fun and things got out of hand.”



# Developing “Themes”



R

P

**Rationalization**

**Projection**

**Minimization**

M

“You asked for a raise twice, and they turned you down. If they had just listened when you asked for help, you could’ve done this the right way, like you wanted to. They forced your hand when they wouldn’t help you.”

“You’re a good parent who wants to take care of your kids. It looks to me like you were just trying to put food on the table, like any good parent would.”

“It’s not like this is a million dollars. Its pennies compared to what our government wastes every day. It’s not like anybody got hurt.”

# THE LOGICAL/DIRECT APPROACH DURING AN INTERVIEW

This technique confronts a suspect or witness with the facts of the case and gets right to the point of the interview. It is most effective when there is sufficient evidence of the interviewee's involvement or guilt. The interviewer does not act with arrogance, but confidently lays out the case by taking the interviewee back in time before the event or incident occurred. Examples are:



- “Our investigation and evidence show that you are the person who cashed this check at the Commerce Bank on the January 22, and I’d like to give you the opportunity to explain how you got involved in this situation.”



- “My sources tell me that you were at the sports bar the night of September 7th. You were seen arriving at 6:00 p.m. and leaving around 8:30 p.m. I’m not concerned about why you were there or who you were with; I just want your story about what happened.”



# CHALLENGE THE INTERVIEWEE WITH ANY DISCREPANCIES ABOUT INFORMATION GIVEN

An interviewee may withhold or attempt to hide knowledge or outright falsify and fabricate information. Do not overreact to denials, confessions, and admissions. Control your reactions by appearing neutral in both your verbal and nonverbal communications.

If the interviewee's answers differ with other information already obtained about the case, you may need to change the questioning technique. You may consider a more accusatory line of questioning.

When examining a problematic answer, remember to observe the interviewee's body language and other nonverbal cues. Be patient, but persistent.

Document denials and known or suspected lies for use in further questioning of the interviewee and/or questioning other interviewees.

## SUGGEST A POSSIBLE, PARTIAL SCENARIO TO GET THE INTERVIEWEE'S REACTION

At this point in the interview or interrogation, the interviewer may transition to various techniques as previously discussed to obtain additional information and cooperation from the interviewee. Use an analogy or theme to paint a picture of what you think happened so that the interviewee can relate to the circumstances of the incident.

Evaluate the interviewee's verbal and nonverbal reactions to the scenario. Change your approach if the interviewee denies any part of the scenario as true or quits talking.



# FOCUS ON A PARTIAL ADMISSION OR A CONFESSION

An admission is the interviewee's acknowledgment of certain incriminating facts, but is not sufficiently complete to constitute a confession. Admissions are valuable in establishing probable cause and reassessing the case for additional interviews.

01

A confession is a statement the interviewee makes admitting he or she committed a crime. This acknowledgment includes all elements of the crime and his or her involvement.

02

Note: The interviewer should keep in mind that initial confessions are often incomplete and require the interviewer to confirm the facts and evidence of the case obtained during the investigation.

03

Be aware of false confessions. Having the interviewee provide details of the crime known only to the person who actually committed the crime will minimize the potential of a false confession.

# OBTAIN WRITTEN OR RECORDED STATEMENTS AS APPROPRIATE.

Prior to taking any statement, the interviewer should evaluate the method of documenting the statement. Statements may be written, audio recorded, or video recorded. Factors influencing the type of statement taken include classification of interviewee, location of the interview, and type of investigation. Consult your department policies for the preferred procedure.

The method chosen for taking a sworn statement may vary depending on the cost, equipment required, legal restraints, department policy, and level of credibility desired.

Written statements should be in the person's own words and not dictated by the interviewer.

## OBTAIN WRITTEN OR RECORDED STATEMENTS AS APPROPRIATE.

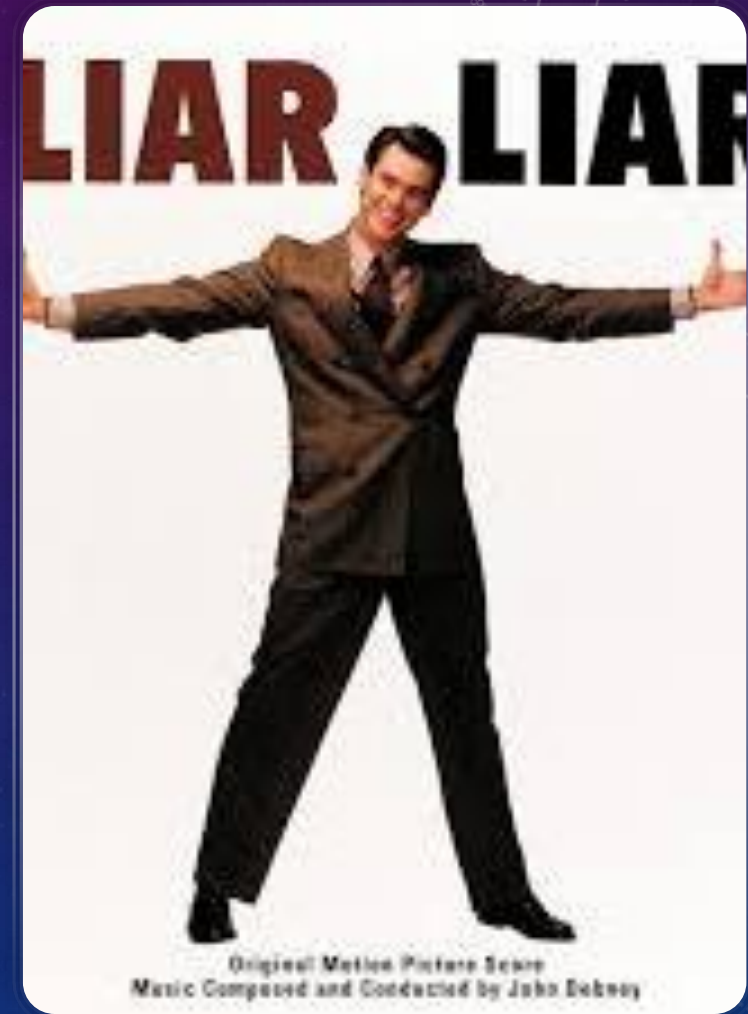
When possible, the interviewer should refrain from writing the statement for the interviewee or allowing someone to write the statement for him or her. The interviewee should be instructed to provide as much detail regarding the incident as possible. Review the interviewee's statement before he or she signs it to ensure completeness and readability.

An audio recording has the advantage of replaying the interviewee's statement in his or her own voice with tone and inflections. Video recordings are the most accurate in reproducing the exact statement. Always check the recording before the interviewee leaves to make sure the recorder was working properly.



# THE VALUE OF USING DECEPTION AS AN EFFECTIVE INTERVIEW TOOL

Courts have ruled that officers may use deceptive tactics during interrogations to elicit incriminating statements from suspects. For example, telling a suspect that he has been identified by a witness, telling a suspect that material evidence such as fingerprints has been found, or telling a suspect that an accomplice has confessed have all been deemed acceptable practices. Be cautious that your statements will be evaluated by the interviewee and, if known to be untrue, the interviewer risks losing credibility. The interviewer should be cautioned against manufacturing evidence of any type.



# CLOSE THE INTERVIEW

Before closing the interview, ask the interviewee if he or she is involved in or has any knowledge of any other crimes. Analogies can be used to prompt the interviewee to talk, such as, “You were right to tell me what happened. Today, you took charge of your life. People will respect you for it. Is there anything else I should know about, just to clear the air?”

Thank the interviewee for cooperating and allow the interviewee to leave with dignity. If the interviewee had a particularly difficult time in the interview, you might restore him or her by saying something like, “You were right to talk to me; you’ll be okay.” This encouragement also leaves the door open for further interviews.



# COMPLETE THE POST-INTERVIEW DOCUMENTATION

**NARRATIVE CONTINUATION**

**METRO-DADE POLICE DEPARTMENT**

**INCIDENTAL DEATH**

**INVESTIGATION INTO THE ACCIDENTAL DEATH OF RUBEN STEIN, W/141, 6041 W. 141ST. AND BORDO FOREST, W/141, 6041 BORDO FOREST, WHICH COLLIDED ON FRIDAY, MARCH 3, 2006, AT APPROXIMATELY 7:10 P.M., IN THE AREA OF S.W. STREET AND S.W. 43 AVENUE, AS THE RESULT OF A HELICOPTER ACCIDENT.**

**NARRATIVE SUMMARY:**

On Friday, March 3, 2006, at approximately 7:10 p.m., this investigator assigned to investigate the death of RUBEN STEIN, W/141, 6041 BORDO FOREST. It was learned that such victim was aboard a helicopter and crashed in the area of S.W. 101 Street and S.W. 43 Avenue, at approximately 7:10 p.m.

This investigator contacted the Civil Air Patrol and reported that a search operation should be initiated in the investigation. It was learned that THOMAS L. ROBERTS, 6041 BORDO FOREST, was the pilot of the helicopter and was flying to S.W. 101 Street and S.W. 43 Avenue, at approximately 7:10 p.m.

At approximately 7:10 p.m., this investigator advised the police and contacted the following police officers, who also responded to the investigation:

1. DETECTIVE RAY BRADLEY, 6041 BORDO FOREST
2. DETECTIVE RAY BRADLEY, 6041 BORDO FOREST
3. DETECTIVE RAY BRADLEY, 6041 BORDO FOREST

The following listed personnel were also present at the scene area:

1. WALTER BRADY, Officer in Charge, Miami-Dade Fire Bureau Air Camp
2. CHARLES WARD, Air Safety Investigator, Fort Lauderdale Aviation, Inc.

**Investigator J. L. L...**

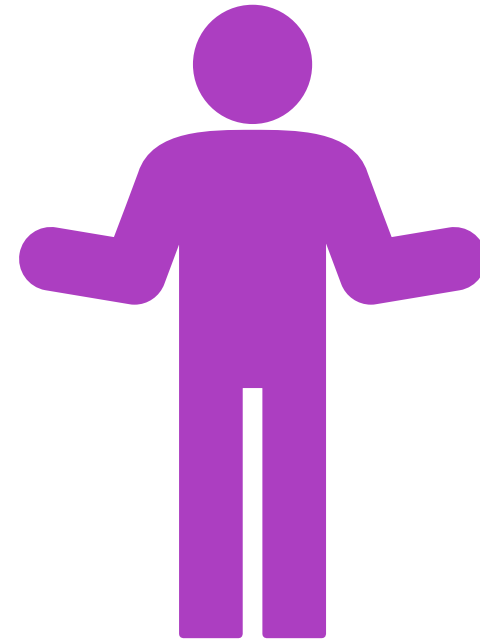
Review the information obtained from the interview. Compare the results of this interview with the case file and other completed interviews. Evaluate your plan, make adjustments where necessary, and continue your investigation.



NOW, AT THIS STAGE OF THE INTERVIEW,  
SHOULD YOU ASK THE QUESTIONS THAT ARE  
IMPORTANT TO THE CONSTRUCTION OF  
YOUR CASE! "THE HARD QUESTIONS," IF  
YOUR INVESTIGATION IS ADMINISTRATIVE.

NOW YOU ASK THE QUESTIONS YOU HAVE  
ASK FOR THE ADMIN INVESTIGATION/  
COMMAND STAFF INQUIRIES ETC.

LIKELY TO MAKE THE WITNESS  
UNCOMFORTABLE.



THESE TYPES OF QUESTIONS WILL  
BIAS YOUR INTERVIEW, OBSTRUCT  
COMMUNICATION, AND CHANGE  
MEMORY RECALL.

LEAVE THEM FOR THE END OF  
THE INTERVIEW.

It is what it is.  
And it's not good.

rusafu

did the suspect go down? In what position?

✓ ✓

How far away from the suspect were you when you fired?

7-10

What did you think the suspect was going to do?

✓

Did you or someone else broadcast "Shots fired"?

✓

Do you know if any of the weapons used malfunctioned during the incident?

N

Do you know the reasons for the malfunctions?

→

What did the suspect do next?

✓

Who else arrived to assist?

DEPS, RPD

Did you or someone else give medical aid?

Did you or someone else call for CDF and/or an ambulance?

Describe what you did from this point on.

✓

# MAKING CONTACT WITH THE INTERVIEWEE IN PERSON OR BY TELEPHONE



- If you make the contact in person or by telephone, conduct a preliminary interview or set a date and time for an interview. In some instances, it is wise to make an unexpected visit to a person's home or workplace.
- A detailed phone interview is not recommended to take the place of a person-to-person interview; however, phone contact can be a means of screening potential interviewees (e.g., victim, witness, informant) to determine whether an interview in person is necessary. Prior to the phone call, decide whether the call should be recorded for future evaluation. Be familiar with your agency's policy on recording phone calls.
- State the purpose of the requested interview: to ask a few brief questions to determine what the person knows about the incident.
- An authoritarian approach may be in order when a potential interviewee is reluctant to talk to you. Use your position of authority to persuade, but do not coerce.

# MAKING CONTACT WITH THE INTERVIEWEE IN PERSON OR BY TELEPHONE





MY CLASS  
IN TEN  
MINUTES

# TEXAS RANGER INTERVIEW TECHNIQUE

- <https://www.youtube.com/watch?v=tpJcBozuF6A>

# INTERROGATION VIDEOS

1

<https://www.youtube.com/watch?v=SDt2Kez7WZc>

2

<https://www.youtube.com/watch?v=3r3rYTP-DzM>

3

<https://www.youtube.com/watch?v=SNBXit6-BOE>

4

<https://www.youtube.com/watch?v=QTH8ifgEMTc>



# Interviewing Juveniles

LEARNING GOAL: THE STUDENT WILL BE INTRODUCED TO THE DYNAMICS OF INTERVIEWING A JUVENILE.

## INTRODUCTION

INVESTIGATORS MAY COME IN CONTACT WITH JUVENILES IN A VARIETY OF CIRCUMSTANCES. THEY MAY BE VICTIMS OF CRIMES, THEY MAY WITNESS A CRIME, THEY MAY BE SUSPECTED OF COMMITTING A CRIME, OR THEY MAY BE REPORTING A CRIME. WHATEVER THE SITUATION, THE INTERVIEWER SHOULD BE MINDFUL OF DIFFERENT TECHNIQUES FOR INTERVIEWING CHILDREN OF DIFFERENT AGES.

JUVENILE VICTIMS OF CRIME OFTEN HAVE ISSUES WITH SELF-ESTEEM AND PERSPECTIVE ON LIFE. BE EXTREMELY CAUTIOUS DURING AN INTERVIEW WITH A JUVENILE, MAKING SURE TO BUILD A RAPPORT AND ASSURING HIM OR HER OF THEIR SAFETY. THIS WILL HELP YOU OBTAIN VITAL INFORMATION FOR THE INVESTIGATION AND PREPARE THE VICTIM FOR A FUTURE COURTROOM EXPERIENCE.

A CHILD'S AGE GENERALLY INDICATES HIS OR HER DEVELOPMENTAL STAGE. UNDERSTANDING THE CHARACTERISTICS AND MATURITY OF JUVENILES OF VARIOUS AGES WILL ASSIST AN INTERVIEWER IN PREPARING FOR THE INTERVIEW AND CONDUCTING THE INTERVIEW WITH APPROPRIATE QUESTIONS.

# Interviewing Juveniles

**Explain the procedure of qualifying a juvenile prior to an interview.**

At the onset of the interview, it is recommended that the interviewer “qualify the juvenile.” Qualifying is a process for establishing the credibility of information provided by a juvenile. The interviewer asks the juvenile a series of questions that reveals an understanding of moral responsibility (difference between the truth and a lie) and the child’s level of intelligence.

Qualifying is most often used in juveniles between the ages of three and eight. Simple questions to determine if the child can recognize numbers, letters, and primary colors are preferred and can be essential depending on the circumstances of the case. The officer should document the qualification process. Once the juvenile has been qualified, the interviewer can proceed with case-specific questions.

# Interviewing Juveniles

## Identify *Miranda* issues related to juveniles.

- Juvenile offenders are afforded the same rights under the *Miranda* guidelines as other adult suspects. An interviewer must obtain an intelligent waiver from a juvenile suspect before questioning begins. A child's parent or legal guardian may invoke constitutional rights on behalf of the child. See *J.G. v. State*, 883 So.2d 915 (Fla. 1st DCA 2004).



(2) Florida courts have ruled that a child be allowed to see his or her parent or guardian if requested by the child or the parent. However, it is not necessary for the officer to notify a juvenile's parents prior to conducting an interview. See *Francis v. State*, 28 FLW D2489, 5th DCA.



## Interviewing Juveniles

•(3) In *J.D.B. v. North Carolina*, 564 U.S. 261; 2011 U.S. LEXIS 4557; slip opinion no. 09-11121 (June 16, 2011), the United States Supreme Court held that officers must determine if a typical juvenile the age, education, background, and experience of the subject would understand whether or not he or she was in custody when questioned. If the subject was arrested, the Court would look at whether a juvenile similarly situated would understand what arrest meant and what *Miranda* warnings were. If the answer to the questions just posed is 'yes' then the court would look to see if the juvenile subject would understand that waiving his or her *Miranda* rights meant. Be sure to document everything you tell the juvenile regarding whether he or she is under arrest. Be sure you document how you explain *Miranda* to a juvenile arrestee and let the arrestee know what waiving *Miranda* means. Also, be sure to document the layout of the interview area, the number and location of people in the area, and whether doors, portals, gates, or entry ways are open or closed during the interview.

### Identify special considerations concerning juvenile victims.

In cases requiring the notification of the Department of Children and Families or the Child Protection Team (CPT), agency policy should be followed concerning the conduct of the interview. It is good practice to minimize the number of interviews and coordinate with these child protection agencies.

### Describe the characteristics of a preschool child (ages 3 to 6) that may affect an interview.

Preschool children are capable of telling what happened, but not always why it happened. Their world is centered on their home and family members. Children of this age group have little concept of time, so you must prompt them about events in their daily life that indicate a pattern of abuse. For example, you can ask a question such as “Did the abuse occur before, during, or after your bath?”

Interview a preschooler as soon as possible. Take into consideration his or her last meal and/or nap because irritability may hamper your questioning. Establish rapport with the child by asking about his or her family and daily activities.

“How many brothers and sisters do you have?”

“What is your cat’s name?”

“What’s your favorite flavor of ice cream?”



DESCRIBE THE CHARACTERISTICS OF A SCHOOL-AGED CHILD (AGES 6 TO 11) THAT MAY AFFECT AN INTERVIEW.



CHILDREN IN THIS AGE GROUP ARE CAPABLE OF RECALLING TIME AND SEQUENCE OF EVENTS. USUALLY, THEY HAVE DEVELOPED A SENSE OF RIGHT AND WRONG BY THIS AGE. THEIR ATTEMPT TO UNDERSTAND GOOD AND BAD MAY INFLUENCE YOUR INVESTIGATION BECAUSE GUILTY FEELINGS MAY LEAVE THEM RELUCTANT OR MAY MOTIVATE THEM TO DISCUSS THE INCIDENT.

CHILDREN AT THIS AGE SOUND MORE MATURE; THEY USE ADULT TERMINOLOGY BUT OFTEN DON'T UNDERSTAND THE UNDERLYING CONCEPTS. LISTEN FOR THEIR DESCRIPTIVE WORDS AND ADJUST YOUR TERMINOLOGY ACCORDINGLY. TACTFULLY TEST THEIR UNDERSTANDING OF KEY WORDS SO THERE ARE NO MISUNDERSTANDINGS.

CHILDREN OF THIS GROUP ARE PERCEPTIVE AND OFTEN VERY DIRECT IN THEIR COMMUNICATION. BECAUSE THEY ARE QUICK TO DETECT INSINCERITY, BE GENUINE AND EMPATHETIC IN YOUR APPROACH. AT THIS AGE, CHILDREN HAVE LEARNED TO BE DELIBERATELY UNTRUTHFUL BECAUSE THEY HAVE LEARNED TO FEAR PUNISHMENT FOR THEIR ACTIONS. THEY SOMETIMES EXAGGERATE AND TELL STORIES WITHOUT CONTEMPLATING THE CONSEQUENCES OF NOT BEING COMPLETELY TRUTHFUL.

•Describe the characteristics of an early adolescent child (ages 10 to 15) that may affect an interview.

•Keep in mind that juveniles in this age group are not children and they are not adults. Early adolescence for girls is usually between ages 10 to 13 and 12 to 15 for boys. The early adolescent years are a time of great physical and emotional change. Discussion of sexual matters may cause embarrassment; therefore, use an empathetic approach. "I think I know how you feel. I have helped other teenagers like you. They say they don't know who to trust, who they can talk to."

•Describe the characteristics of an adolescent child (ages 13 to 17) that may affect an interview.

•As their bodies and minds continue to develop, adolescent children may be irritable, argumentative, and have easily hurt feelings. They need both structure and limited independence in their life. Adolescent victims may appear calm but secretly harbor tremendous guilt and/or confusion. Adolescents understand the possible results of reporting abuse or domestic violence is that they may be placed in a foster home, their family may dissolve, and the abuser may be punished.



Often, adolescent victims may have been threatened. Don't underestimate the anxiety created by such a threat. Don't downplay their fears. Reassure them of their safety.

Juveniles around the age of 13 have learned to lie to cover their own negative behavior. They may lie to avoid punishment or to protect their peers who may also be involved in the same negative behavior. Although this age group may not always recognize their motivations or the consequences of being untruthful, they do recognize this behavior as being unacceptable or wrong.



List the steps for conducting an interview of a juvenile.

Follow the procedures of your department regarding audio and/or video taping an interview with a juvenile.

(1) Gather as much information as possible from the person who reported the incident. The more you know, the more the child will perceive you as caring and understanding.



# Interviewing Juveniles

Select a safe and comfortable location for the interview, one free of interruptions. If interviewing a juvenile about possible abuse, do not conduct the interview at or near the location where the abuse occurred.

(3) Consider carefully how many persons will be present during an interview. A child may request a person they trust to be with them. This is acceptable only if the person does not interfere with your questioning. It may be useful to have the trusted person present during the rapport development and then ask to speak to the child alone.

(4) If the interview is related to an accusation of abuse by a parent or family member, the juvenile may fear other family members will find out about the incident and the abuser will be punished, or a threat will be carried out.

(5) Use simple age-appropriate words and concepts the child will understand. For example, the child may not think in terms of time (day, month, year) but will remember events like a daily nap, a television show (Sesame Street), and holidays (birthdays, Christmas). Using events familiar to the child will help you gain reliable information.

(6) Be mindful that children have a short attention span, and may only give you 5 to 15 minutes of cooperation. Don't press the child too hard. Coordinate time and questions for the most effective result.



**WE MADE IT!**

**QUESTIONS, COMMENTS, CONCERNS?**

