

ADVANCED INTERVIEWING TECHNIQUES

Proven Strategies for Law Enforcement,
Military, and Security Personnel

Third Edition



John R. Schafer • Joe Navarro

ADVANCED INTERVIEWING TECHNIQUES

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By

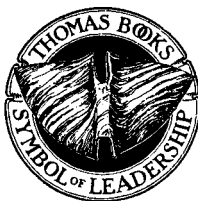
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PREFACE

Law enforcement officers face difficult challenges in light of the new social environment in which they must work. With additional public scrutiny on police tactics and interviewing methods, new techniques must be developed to address the changing political and social landscape. Interviewing and interrogating methods must change in concert with the increased focus on community policing and the public demand to take a softer approach to interviewing and interrogation. The new edition of this book presents positive interviewing techniques to conduct less intrusive, nonthreatening interviews and interrogations without forfeiting investigative integrity.

Positive interviewing techniques focus on rapport building, which serves as the keystone for successful interviews and interrogations. Suspects and witnesses who like the people who are interviewing them are more likely to confess or provide information of value. Positive interviewing relies on psychological principles instead of threats and coercion to obtain needed information. The psychological principles presented in this book derive from proven psychological research and have been proven effective in the field.

As with the previous book, this edition was written with working professionals in mind and contains advanced interviewing techniques. Some basic topics emphasized in other interviewing books will not be addressed. This book was designed as a quick reference guide rather than a comprehensive manual. The enhanced outline format of the text and the extended Table of Contents provide for easy reference, reading, and comprehension.

The marketplace is replete with interviewing books and manuals; however, quickly locating information buried in thick manuscripts is costly and time-consuming. The style of this book is consistent with the manner in which law enforcement officers like to receive information: quickly, authoritatively, and to the point.

J. R. S.
J. N.

INTRODUCTION

Traditionally, obtaining information from others is divided into two categories, the interview and the interrogation. The interview, a more benign inquiry, gleans facts from witnesses and other people not directly related to the activity under investigation. The interrogation, a more intimidating process, extracts information from unwilling suspects. This two-paradigm approach suggests that the mindset of the investigator during an interview differs from the mindset of the investigator during an interrogation. Consequently, investigators adopt one persona during an interview and a more aggressive persona during an interrogation. Changing from the interview persona to the interrogation persona can be difficult, especially when interviewing witnesses who, for various reasons, offer resistance similar to suspects.

An alternative approach to the inquiry process places the interview on a resistance continuum. At one end of the continuum, interviewees offer information without resistance. At the other end, interviewees are reluctant to provide information or fall silent. This concept allows investigators to glide back and forth along the resistance continuum using a succession of specialized interviewing techniques to overcome varying degrees of resistance. Investigators need only focus on the appropriate selection of interviewing techniques to overcome resistance from witnesses and suspects alike. As the interviewee's resistance increases or decreases, the interviewer adjusts the intensity of the inquiry by selecting the suitable interviewing technique to overcome the interviewee's resistance.

Merely learning a variety of interviewing techniques, however, does not make a good interviewer. A good interviewer not only knows how to use interviewing techniques, but can also identify the appropriate circumstances in which to use each technique. Using an interviewing technique at the wrong time can have a negative impact on the outcome of an interview. Investigators must exercise appropriate caution when using any advanced interviewing techniques.

Good interviewers glean techniques from formal training, personal experience, and fellow investigators, and then assimilate those techniques into their own personalities. When interviewing techniques become part of an investigator's personality, the investigator can act naturally during an interview without the added pressure of maintaining a pretense.

No single interviewing method or technique provides a magic formula for success. The fact remains, investigators only become good interviewers by interviewing. Every interview, no matter how trivial, provides an opportunity to practice new interviewing techniques or to hone previously learned skills.

An interviewing technique that works for one investigator might not work for another investigator, and, of course, each interviewee is different. If a particular interviewing technique does not work the first time, the interviewer should change one or more aspects of the technique or add a personal touch. If the technique still does not work, discard it no matter how effective other investigators judge the technique.

Whether investigators subscribe to the traditional interview/interrogation approach or to the resistance continuum, effective communication with a purpose remains at the core of the interviewing process. This book builds on interviewers' communication skills and expands their repertoire of interviewing techniques.

The first three chapters examine interview planning, the interview setting, and the use of interview props, the foundation for effective inquiry. The next four chapters, assessing the interviewee, establishing dominance, building rapport, and Miranda warnings focus on establishing effective communications under legal constraints. Chapters 8, 9, and 10 discuss deception and the verbal and nonverbal cues to detect deception. Chapter 11 is devoted to the Art of Questioning. Chapter 12 provides investigators with a variety of interviewing tools to overcome interviewee resistance. Chapter 13 demonstrates techniques to deal with angry people. Chapter 14 reviews techniques to break the interview impasse, a critical point in the inquiry. The final chapter focuses on the interview end game, an often overlooked component of the interview process.

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ADVANCED INTERVIEWING TECHNIQUES

Planning the Interview

Planning is the most important aspect in the interview process; yet, it is the most overlooked. Interviewers typically do not plan for interviews because they are either too busy or, for various reasons, do not feel the need to plan. Interview preparation is neither difficult nor time consuming once interviewers develop a mental checklist applicable to most routine interviews. Of course, more complex interviews require more in-depth thought and planning.

Selecting the Interviewer

Interviewers should read the case file, learn about the suspect, and then ask themselves two questions, “If I were the suspect, who would I want to interview me and why?” and “Am I the best person to do this interview?” If the investigation is important and you know you are not the right person to do the interview, select a more suitable interviewer. Be honest with yourself.

If two interviewers conduct an interview, both interviewers should plan to take the primary role in the event the initial interviewer and the interviewee experience a personality clash.

Number of Interviewers

One-on-one interviews create an environment with the highest probability of success. If a one-on-one interview is not possible, no more than two interviewers may conduct the interview. More than two interviewers may raise the anxiety level of the interviewee and could inhibit the rapport-building process.

Multiple interviewers may be perceived as an audience giving the interviewee an opportunity to put on a performance to advance his or her personal or social agenda instead of answering questions. In some situations, the presence of multiple interviewers promote competition between the interviewers, which is nonproductive and detracts from the focus of the interview (Meloy & Mohandie, 2002).

The Advantages of a Second Interviewer

First, the presence of a second interview allows the primary interviewer to fully concentrate on the interviewee because the second interviewer assumes the responsibility of taking notes. Second, the second interviewer can also make observations from a different perspective and identify sensitive topics and comments that the primary interviewer may have missed because he or she was looking at the interviewee from a different perspective. Third, the second interviewer can also assist the primary interviewer with writing the interview report by providing recall cues.

Using the Second Interviewer to Test for Veracity

The second interviewer can also be used to test the veracity of the interviewee without the interviewee knowing that his or her veracity is being tested. The second interviewer can send powerful nonverbal signals to encourage or discourage interviewees (Shaw, Vrij, Leal, Mann, Hillman, Granhag, & Fisher, 2013). Positive nonverbal cues such as head nodding, tilting the head to either side, an open posture, or smiling increases the amount of details provided by truthful interviewees when they are asked unexpected questions. Conversely, deceptive interviewees, exposed to the same nonverbal cues, provide significantly fewer details when asked unexpected questions. Carefully monitoring interviewees' responses after they are asked unexpected questions can provide an indicator of deception.

Age of the Interviewer

The age of the interviewer should be considered. An older interviewer may provide a substitute father figure for an interviewee who was abandoned by his or her father during childhood. Fatherly or authoritarian feelings can be exploited during the interview (Meloy &

Mohandie, 2002). An interviewer who is younger than the interviewee may be perceived by the interviewee as a person who can be manipulated due to inexperience or naiveté. A younger interviewer could also assume the role of a student or apprentice for an interviewee who views himself or herself as a teacher or mentor.

Gender of the Interviewer(s)

In most instances, the gender of the interviewer will not affect the outcome of the interview. However, under certain conditions, the gender of the interviewer may have a positive or negative impact on the interview. A female interviewer interviewing a male suspect may evoke emotions from the suspect that can be exploited depending on the personality and culture of the interviewee and the interview objectives. A female interviewer interviewing a Middle Eastern suspect may prove more difficult because Middle Eastern males often view women as having more traditional or domesticated roles (Nydell, 1996).

On the other hand, Middle Eastern interviewees may be intrigued by the opportunity to speak with a female interviewer because, under normal circumstances, such interactions are forbidden. Restraint often increases the drive to engage in forbidden activities. Additionally, female interviewers can assume the role of a mother, an aunt, or a sister. Middle Eastern interviewees are used to talking with close female family members, which increases the likelihood they would feel comfortable speaking with female interviewer assimilating those roles. If Middle Eastern interviewees say they do not talk to women, the interviewer should remind them that this is not true because they routinely talk to their mothers, wives, daughters, and extended family members who are females.

Interview Objectives

Take time before the interview to think. Establish clear, attainable objectives. Carefully define your objectives. Well-defined goals increase the probability of success because the interview will proceed with direction and purpose.

Confession

If the goal of the interview is a confession, review the appropriate statutes and memorize the legal elements necessary to prove the crime.