

ADVANCED INTERVIEWING TECHNIQUES

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Fourth Edition

ADVANCED INTERVIEWING TECHNIQUES

**Proven Strategies for Law Enforcement, Military,
and Security Personnel**

By

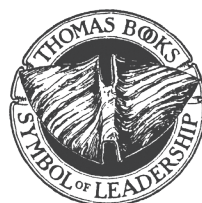
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PREFACE

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, non-threatening 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 editions, 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 that 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, then 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*, *Rapport*, and *Miranda Warnings* focus on establishing the effective communications under legal constraints. Chapters 8, 9, 10, and 11 discuss deception and the verbal and nonverbal cues to detect deception. Chapter 12 is devoted to the *Art of Questioning*. Chapter 13 provides investigators with a variety of interviewing tools to overcome interviewee resistance. Chapter 14 demonstrates techniques to deal with angry people. Chapter 15 reviews techniques to break the interview impasse, a critical point in the inquiry. The final chapter focuses on the interview end game, an oft overlooked component of the interview process. The Appendix presents a real-life interview of a murder suspect identifying the specific interviewing techniques used by the interviewer along with interviewer annotations.

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ADVANCED INTERVIEWING TECHNIQUES

Planning the Interview

Chapter

1

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 as much as possible 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. Above all, be honest with yourself.

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 should conduct the interview. More than two interviewers may raise the anxiety level of the interviewee and could inhibit the rapport-building process. If two interviewers conduct an interview, both interviewers should plan to take the primary role in the event the primary interviewer and the interviewee experience a personality clash.

The Advantages of a Second Interviewer

The presence of a second interviewer allows the primary interviewer to fully concentrate on the interviewee because the second interviewer assumes the responsibility of taking notes. The second interviewer can make observations from a different perspective and identify sensitive topics, verbal and nonverbal indicators of veracity, and comments that the primary interviewer may have missed because he or she was looking at the interviewee from a different vantage point. 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 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). The second interviewer can display nonverbal cues such as head nods, head tilts, an open posture, or smiling, which increase the amount of details provided by truthful interviewees. Conversely, deceptive interviewees, exposed to the same nonverbal cues, provide significantly fewer details. Carefully monitoring interviewees' responses can provide indicators of truthfulness or 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. 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. The younger interviewee can overcome an age disparity by assuming 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. A confession is less effective if the suspect does not confess to all the elements necessary to prove the criminal violation in a courtroom. Keep in mind that some suspects will not formally confess, but they may make a series of smaller admissions, which in concert constitute a full confession.

The Importance of Confessions

At trial, the mere presence of a confession increases the rate of guilty verdicts. Confession evidence is more powerful than eyewitness identifications and character witnesses. In fact, “Confession evidence is so inherently prejudicial that people do not fully discount the information even when it is logically and legally appropriate to do so” (Kassin, 1997, p. 229).

Lead Information

If the objective of the interview is to obtain information of lead value, identify the specific information needed and use either a straightforward approach to obtain the needed information or develop strategies to elicit information using subtler techniques.

Informant Development

If the goal of the interview is to develop an informant, establishing rapport, the foundation for a long-term relationship, is the paramount objective. A slower, more measured approach is typically more effective in building a lasting relationship based on trust.

Gathering Intelligence

If the goal of the interview is to gather intelligence, then any information from the interviewee may be significant. The interviewer should keep the interviewee talking for as long as possible. The primary goal of an intelligence interview is to obtain as much information as possible. Interviewers should not restrict themselves to the elements of the crime but widen the scope of the interview to as many relevant topics as possible.

The Interview as Theater

Everything and everybody on the interview stage should serve one purpose: Move the inquiry toward the interview objectives. As with any stage production, the dialog, the props, the costumes, and the actors perform specific functions, and the interviewer serves as the director in the unfolding drama.

The interviewer plans the location (the stage) and the time of day for the interview, writes the interview script, chooses the actors, and selects the props in a coordinated effort to achieve the interview objectives.

Scripting an interview is important. Some of the best interviewers script their interviews and memorize as much information about the case as practical. Words are the interviewer's primary tool. The great philosopher Carl Wittgenstein stated that "The limits of my language mean the limits of my world." Investigators should know and understand the appropriate street slang, technical terms, or regional customs of the interviewee prior to beginning an interview. Learning jargon is especially important in computer fraud, white-collar, and denial of service investigations.

Rehearsals are important for the success of any stage performance, and so it is with interviews. Rehearse the introduction, seating arrangements, and any other contingencies such as the presence of a friend, an attorney, or a parent. Use all your senses. Feel the atmosphere in the interview room. Sense the tension level of the upcoming interview.

Role Playing

Just prior to the interview or driving to meet the interviewee, interviewers should role-play the interview, one interviewer can play the part of the interviewee, and the other interviewer plays the part of the interviewee. Each interviewer then challenges the other with scenarios that are likely to be played out during the interview. Role-playing mentally prepares the interviewers long before the interview begins.

Visualize yourself interacting with the interviewee. Listen to yourself as you mentally play out interview strategies in your mind. The more you plan and rehearse, the greater the chances are that you will succeed. Nothing guarantees a successful interview, but the lack of proper planning opens the door to failure.