

# INTERVIEWING AND INTERROGATION

Making the Most of Your Time

Det. Joe Langer, Leawood Kansas Police  
Department

Sgt. John Jackson, Kansas City Missouri Police  
Department

# Why the difference

What is the difference between an interview and an interrogation

- ❖ Custody
- ❖ Freedom to leave
- ❖ Accusatory
- ❖ Perception
- ❖ Styles

## You decide

- ❖ When should you use an interview style?
- ❖ When should you use an interrogation style
- ❖ How do you transition from one to the other

# INTERVIEWING

## ❖ Preparation

- ❖ Have all intelligence available
- ❖ Be confident in your abilities
- ❖ Have a game plan
- ❖ Know what you want to gain
- ❖ Know your case file
- ❖ Assure your partner knows what you know, if possible

# INTERVIEWING

- ❖ Clearly introduce yourself
- ❖ Start building rapport from the very beginning
- ❖ Allow your subject to speak freely, initially allowing them to discuss any subject they wish
- ❖ Make a mental note of behaviors and characteristics during opening contact
- ❖ Practice Active Listening Skills, even when you are thinking ahead

# INTERVIEWING

- ❖ Begin your questioning with open ended questions
- ❖ Listen to the answers formulating your responses to keep subject focused on the areas of concern
- ❖ Stick to one area of inquiry at a time, fully exploring that subject first
- ❖ Remember the basics, who what when where why and how

# INTERVIEWING

- ❖ Ask verifying questions to confirm responses of the subject
- ❖ Repeat certain questions in a different manner to ensure accuracy
- ❖ Paraphrase and repeat answers to solidify clarifications....”Now let me make sure I understand you..”
- ❖ Conclude with a catch a phrase such as, “Is there anything I haven’t asked you about?”

# INTERROGATIONS

- ❖ Factors that constitute the need for an interrogation:
  - ❖ Freedom to leave
    - ❖ Public Place
    - ❖ Suspects home
  - ❖ Custodial questioning
    - ❖ Police facility
    - ❖ Jail
    - ❖ Handcuffs
  - ❖ Is this your suspect??



# INTERROGATION

## ❖ Miranda:

- ❖ Don't rush Miranda
- ❖ Don't make Miranda the first document a subject sees
- ❖ Initiate other dialogue before introducing Miranda
- ❖ Assure the suspect understands the form, but don't dwell on it
- ❖ Have the suspect read the form out loud
- ❖ If the subject can't read, you must read it to him

# INTERROGATION

- ❖ Miranda continued
  - ❖ If the suspect asks for advice as to whether he should sign or not, give it to him
  - ❖ If the subject reads the form and wants to talk but doesn't want to sign, talk to him
- ❖ Develop a style of interviewing that is comfortable for you
- ❖ Remember most words that sink in to your mind are whispered, not yelled
- ❖ **Cry Baby**

# INTERROGATION



# INTERROGATION

- ❖ What is an Invocation??
  - ❖ “I want my lawyer”
  - ❖ “I don’t want to talk”

What does this mean????

# INTERROGATION

- Justice Sandra Day O'Connor wrote that to gain *Miranda* protection, a suspect must "unambiguously request counsel," and the request must "articulate [the suspect's] desire to have counsel present sufficiently clearly that a reasonable police officer in the circumstances would understand the statement to be a request for an attorney."

*(Davis vs. United States* 512 U.S. 452, 114 S. Ct. 2350, 129 L. Ed. 2d (1994))

# DETECTION OF DECEPTION

❖ Fight or Flight syndrome—this phenomenon which enhances those bodily functions needed for survival during a crisis, while muting several irrelevant ones. These include:

- ❖ Adrenalin and sugar released into blood stream
- ❖ Pulse and breathing increase
- ❖ Sweat glands activate
- ❖ Pupils dilate
- ❖ Salivary glands shut down
- ❖ Digestion ceases

# DETECTION OF DECEPTION

- ❖ Simple steps to detect deception
  - ❖ Build rapport
  - ❖ Determine the suspect's truthful behavior
  - ❖ Look for deviations from the truthful behavior when questioning turns to relevant matters of the investigation
  - ❖ Ensure these behavior changes occur each time relevant topics are discussed. Don't base decision on just one occurrence

# DETECTION OF DECEPTION

- ❖ Almost anyone will display signs of anxiety when interviewed by Law Enforcement
  - ❖ Interviewers must put subjects at ease by convincing them they pose little threat
  - ❖ Work slowly toward critical points in the interview, assuring confidence in subjects truthful/non truthful behavior
  - ❖ Build on the “out factor” allowing a subject to save face while admitting to key facts
  - ❖ Watch for key non-verbal communications



# Non-Verbal Communication

## ❖ Interview set-up

- ❖ Begin interview at a comfortable distance with no barriers between subject and interviewer
- ❖ Move closer during questioning, passing through the personal zone (4 feet to 18 inches)
- ❖ As pressure is applied and stress builds, move into the intimate zone (6-18 inches from the body)
- ❖ Invading a persons personal space makes it harder to lie

# NON-VERBAL COMMUNICATIONS

## ❖ Watch for Physiological Symptoms

- ❖ Dry mouth
- ❖ Excessive swallowing
- ❖ Respiratory changes
- ❖ Licking of lips
- ❖ Thickened speech
- ❖ Stuttering
- ❖ Facial expressions

# NON-VERBAL COMMUNICATIONS

- ❖ An astute observer may be able to use facial asymmetries and expressions to gauge truthfulness and sincerity
  - ❖ Eyes blinking
  - ❖ Wide eyes
  - ❖ Diverted eyes

# LISTENING FOR DECEPTION

- ❖ How does the person tell his story
  - ❖ The innocent are frank in their story
    - ❖ Make eye contact
    - ❖ Make admissions against their own interest
    - ❖ Attempt to resolve discrepancies
    - ❖ Look and sound truthful
    - ❖ Acting as an arm chair detective

# LISTENING FOR DECEPTION

- ❖ The guilty will be on the defensive throughout the interrogation
  - ❖ Some tactics used to deflect guilt
    - ❖ Projection-places on anyone else
    - ❖ Disassociation-displays extreme evasiveness
    - ❖ Rationalization-"some people deserve to be killed."
    - ❖ Theorization-Guilty refuse to speculate, they know what happened
  - ❖ Cold Case

# LISTENING FOR DECEPTION



# LISTENING FOR DECEPTION

- ❖ Does the subject use statements to convince innocence?
  - ❖ “He was a cool dude, why would I kill him?”
  - ❖ “I wouldn’t rape her, I am married and get plenty of sex.”
  - ❖ Does the subject relate feelings or does he relate the story very dispassionately?
    - ❖ “I couldn’t sleep last night, so I talked it over with my wife”

# CHARACTERISTICS OF A LIAR

- ❖ Often will talk in third person
- ❖ May come close to the truth (to show lack of fear of being caught)
- ❖ May offer token admissions (“I didn’t kill him, I may have shot at him”)
- ❖ A liar will try to evoke feeling of guilt (“You don’t know what it is like to be falsely accused”)



# CHARACTERISTICS OF A LIAR

- ❖ Liars will strive for hang time.....
  - ❖ "Was I on Brooklyn yesterday?"
  - ❖ "I don't understand."
- ❖ Liars will make too much effort to convince you of their innocence. The innocent will become exasperated after a period of time
- ❖ You cannot insult a guilty person, they know what they have done
- ❖ **Screaming woman**

# VIDEO TAPED STATEMENTS



# VIDEO TAPED INTERVIEWS

- ❖ Much controversy over when taping should occur
- ❖ Without videotaped interrogations, juries are becoming more reluctant to convict on the basis of a confession
- ❖ Coupled with the “CSI Effect,” Law enforcement is in trouble
- ❖ Benefits include more guilty pleas, fewer successful appeals

# DENIAL STATEMENTS

- ❖ Why take a denial statement
  - ❖ Sex Crimes
  - ❖ DNA cases
  - ❖ *Shelly Roosted Video*



# VIDEO TAPED INTERVIEWS

- ❖ Resistance from those who feel interview tactics will have to change

- ❖ **Bottom Line**

- ❖ Everybody likes steak—nobody wants to see how it is made

# FINAL ADVICE

- ❖ Practice Active Listening Skills
  - ❖ “You can’t hear what you don’t listen to.”
- ❖ Present a Good/Bad Option for the admission
- ❖ If all else fails.....
  - ❖ **English**





# DO'S AND DON'TS

- ❖ Do prepare
- ❖ Don't be too inflexible with your game plan
- ❖ Do learn from others
- ❖ Don't ever believe a SUSPECT is innocent
- ❖ Do be creative and have fun
- ❖ Don't give up
- ❖ Do share successful strategies
- ❖ Don't give away your integrity

# MYTHS OF INTERROGATION

## Myth #1

- ❖ Interrogation cannot be taught
  - ❖ Conducting interrogations will help you become an accomplished interviewer/interrogator
  - ❖ You must first master the fundamentals, which can be taught
  - ❖ Repetition of bad habits will only reinforce bad habits

# MYTHS OF INTERROGATION

## MYTH #2

- ❖ Interrogators are born, not made
  - ❖ An outgoing personality, genuine concern for people, gift of gab, all contribute to successful interrogators
  - ❖ The error lies in equating these attributes with competence
  - ❖ One can forget that conversation has a purpose

# MYTHS OF INTERROAGTION

## MYTH #3

- ❖ Listening is a natural process, not a skill
  - ❖ To say you could not remember is inaccurate, you never heard
  - ❖ The inability to recognize listening as an active process that requires considerable effort caused many interviewers to fail
  - ❖ *“A wise man hears one word but understands two.”*
  - ❖ *Time to Clap*

A close-up portrait of a man with short, dark hair, wearing a dark suit jacket, a light-colored shirt, and a dark tie. He is looking slightly to the left of the camera with a serious expression. The background is dark and out of focus. The image is framed by a light-colored, textured border.

JACK WEBB 1968



QUESTIONS ??

# SPECIAL THANKS TO.....

---

Det. Todd Butler, KCMOPD

Civilian Sandra Lentz, KCMOPD

Det. Mike Sanders, IndepMoPD

Det. Bill Wall, OlatheKsPD