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PATROL

Blood from a Turnip

Nothing can captivate a jury with such magnetic power as the live testimony of another human being, or even the reading of a confession in the courtroom. While it is one of the most difficult things to master, knowing and practicing the skills and techniques of good interviewing results in better case information and more convictions in the courtroom.

Ramesh Nyberg

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Who knows exactly when it happened or where, but at some point in human history one person confronted another over a missing club, a bear hide, or maybe some stolen meat. Perhaps in that same clan the group began to "investigate" the death of one of their own and suspected a certain clan member. Maybe the biggest and baddest in the group grunted and growled at the accused in whatever rudimentary language they had and behold: the birth of the criminal investigation and the crude origins of interrogation.

Thousands of years later, much has changed (though we still grunt and growl at suspects in different ways) and we've certainly refined the whole process. However, with even the exponential growth of technology the face-to-face interview remains a critical and indispensable police skill.

No one could have predicted the discovery of the fingerprint, and it revolutionized law enforcement. Fingerprint evidence-and later, blood typing-still did not replace the strength brought to a case by a solid witness statement or, for that matter, a confession. No one could likewise have predicted the amazing discovery of DNA and the levels of intricacy we continue to explore in human identification.

Still, nothing can captivate a jury with such magnetic power as the live testimony of another human being, or even the reading of a confession in the courtroom. While it is one of the most difficult things to master, knowing and practicing the skills and techniques of good interviewing results in better case information and more convictions in the courtroom.

Objectives

If you've ever attended an interview training class, like the Reid school, or Kinesics, or something similar, you will find a lot of commonalities in the

approach to a successful interview. The first things to identify are the goals of the interview-what are we trying to accomplish? It's easy to just say "the truth." That's obvious. A parent who finds a broken vase and has more than one child in the house has to do some investigation and interviewing to find out who was responsible (unless a forthcoming child blurts out a confession), but we in law enforcement have more objectives to meet:

- 1) Determine the type of crime that was committed-Many times we don't know, do we? If it is a death case, very often the investigators don't know whether they are dealing with an accidental, a suicide, or a homicide. Are you dealing with an armed robbery of an innocent victim, or is this a drug-related home invasion?
- 2) Identify additional victims, witnesses, and suspects-Initial on-scene interviews almost invariably uncover additional people you need to talk to or target.
- 3) Recover property/identify evidence-The empty beer can in the field near the body might be evidence or just trash from a previous visitor. Interviews might shed more light on which is the case.
- 4) Obtain a confession

Listing these objectives might seem basic, but when you outline them like this and remind yourself of what you are trying to accomplish, your interviews will be more effective and you'll move with more confidence. It's like a football team progressing down the field, getting first downs, and finally, crossing the goal line.

Our natural tendency is to want to get right to the meat of the matter and ask the traditional Hollywood "Where were you on the night of...?" question. What we really need to do is establish some sort of rapport first, and try to get the subject of the interview-whether a witness or an offender-to trust us. That's not always easy, of course. Most often, we are in neighborhoods where the police are hated and mistrusted. But there are a few things we can do to get the upper hand and try to win them over. Let's start with the three P's.

Preparation, Patience, Persistence

It's not always possible, but preparing for the interview as much as you can makes a huge difference in how you come across to the person you are interviewing. With a suspect, for sure, you want to at least know the following: criminal past, household situation, recent crimes or events (break-up with girlfriend, lost job, etc). In short, background the suspect as deeply as you can. You want to know not just where he lives, but where he used to live, what his favorite hangout spot is, if he likes sports, if he is religious, and so on. Why? For one thing, it gives you more to talk about and provides a nice way to slide into normal, non-confrontational conversation in the beginning.

Patience is something very hard to teach, but it can be practiced and learned. Sometimes a good, thorough interview can take a long time. If you can't go longer than a couple of hours with someone (especially someone who has their defenses ready and doesn't want to give it up), you might consider assigning the interview to another squad member, someone with more staying power. An interview should last until the confession is obtained or the suspect says, "I don't want to talk to you anymore-let me go." Successful interviews in homicide cases have been known to go over 12 hours. Yes, it can be exhausting, but when you get that confession, you won't feel the exhaustion until later.

Persistence is related to patience. In a fact finding (witness) mission, ask the question a few different ways. With the subject of your crime, don't stop telling the subject why you know she is the one. Keep working on her, kind of like waves that keep hitting rocks and slowly eroding them.

Both patience and persistence are related to preparation. The better prepared you are, the more patient and persistent you are likely to be. If you're going in cold with little or no information on the person you are dealing with, there's not much you can do about someone who sits there shaking his head, saying, "It ain't me."

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Setting

Without a doubt, the location of the interview is paramount. Try to have the interview in your office or another room with as few distractions as possible. Interviewing someone in her home is the worst possible location if you are targeting her as any kind of suspect. The phone rings, family members pass through, and more than anything else the suspect is in her natural comfort zone. Get the home field advantage and get her away from all her mental escape routes.

You're going to be contacting most of these people out in the field, so how do you get them back to the station? One effective way is to tell them you have some pictures you'd like to show them of people in the neighborhood. For some reason, most people can't resist the temptation.

If it's not an arrest situation and it is strictly voluntary this is a challenging but critical part of the investigation and it has to be handled right. Try telling the subject, "This is really important-it has to do with you, and we need to talk where there are no distractions, and no one hearing who doesn't need to hear."

How Do I Start?

The suspect is in the interview room and you've offered him coffee, water, or soda. Be hospitable, but be professional. When you're doing the interview you should look like you mean business-not necessarily all decked out with badge and gun, but professional, like the person in charge, the person in the know.

The idea is to convince the suspect, with your demeanor and your level of preparation, that trying to hide the truth is a lost cause.

Emphasize that theme later, but start out trying to get on the same page. Look at what the subject is wearing-make an "ice-breaking" comment on the T-shirt, cap, tattoo, or jewelry he is wearing, especially if it is something you can talk about: "Hey I see you're a fisherman... where do you like to go? You know that lake near your apartment building? I had good luck working the north edge of that lake a couple times..." You are establishing yourself as easy to talk to and someone who knows the area where he lives at the same time.

Sports, religion, a hobby, club, or idea can always get the conversation rolling. So can your knowledge of the neighborhood and what is going on there. If he's on the street doing burglaries or robberies or selling dope he knows the others that are doing it too. Casually mentioning one of the people in the neighborhood who just got arrested or talking about the shooting in his apartment complex lets him know that you know his area, and you know what is going on. Then, as your discussion evolves, you inject comments about him, his past, the people he has run with, and minute by minute his subconscious is telling him, "I'm not going to be able to lie my way out with this guy!"

Don't take out a pad and pen just yet. Once you start taking notes, you are breaking eye contact to look down and write. That puts a damper on establishing rapport. Later in the interview, taking notes could keep you from establishing that hopelessness in the suspect. By keeping your eyes locked on his, you are in command, and you are giving him nowhere to escape. Don't rush

this segment of the interrogation. This could be the time you gain or lose the suspect's trust.

Body Language

We've been hearing about body language since the 1970s, but it's still a real and very viable tool for assessing someone's emotional state. First, observe and remember how the person looks when the conversation is non-threatening. Some people fold their arms even if they are not being defensive-they might be tired, cold, or just generally closed off to start with. The point is, observe "normal," unchallenged body behavior, so that when the confrontational questions start you can see if the person reacts differently. This is the same thing a polygraph examiner does with "control questions"-he charts the reactions to non-threatening questions, and that way can tell how that particular individual shows bodily reactions when a question stresses her out.

The most classic way we see body language manifested during a suspect interview is when a threatening question or comment causes the suspect to droop his head, turn away, fold his arms, gulp or stutter nervously, sweat, or break eye contact more frequently. Again, if you've gauged what is normal for that person at the beginning, then you'll recognize the "buy" or "surrender" signs more easily later.

Questions, Commentary, and Verbal Techniques

When you, the interviewer, get excited (it can and does happen, when the subject starts talking, or at least shows surrender signs) you have to remember

not to abandon your skillful techniques. Avoid asking yes/no questions. Asking, "Did you hide the gun somewhere?" too easily invites a reply of "no." Instead, ask, "Where did you hide the gun? I know you hid it, now let's avoid some kid finding it and hurting himself and tell me where it is."

The double-edged sword question can be effective too: "Did you steal the car to strip it, or just to take it for a joy ride?" Again, and this cannot be stressed enough, knowing as much about the subject as possible is key. If the other witnesses have told you that your 16-year-old suspect is the leader of his little street gang, you know you've got an egotistical teen criminal on your hands. Capitalize on that. For example: "Hey, I know you're the leader, right? I mean, who else would have had the guts to do what you did?"

The experts categorize offenders into two types: emotional (first-time or inexperienced offenders) and non-emotional (street-hardened, perhaps ex-convicts). In general, emotional offenders can be reached by tapping into their "justification" of what they did: "I don't blame you for taking the car. Hell, the keys were sitting right there in the ignition. They deserved it!"

The non-emotional offender, on the other hand, needs a different tactic: "We have your prints on the steering wheel, and we have a guy from the business next door who already ID'd you. You know the judge will be more lenient on you if you give us a statement."

Try to stay away from words like "steal," "rob," and "kill." Instead say, "take" or "did that." In short, be non-threatening.

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Breaks in the Action

Try not to take many breaks, if any at all. If things are progressing well then you are wearing the suspect down. When you take a break you're giving him a breather, a chance to recoup, to re-assemble the defenses. Don't rush it, but eventually you'll want to segue from the casual ice-breaking talk into the investigation at hand. Once you've done that, every break you take is like giving a boxer who's getting his ass kicked a sudden bell to end the round. That's time to sit, hydrate, cool down, re-group. If you feel there is progress and you can see the subject displaying the "buy signs," that is the worst time to walk out of the room. Stay in there, run your two-minute offense, and don't let him up for air!

The Confession

Once you've started to see the surrender signs, move in for the kill-the swallowing, the quavering voice, maybe even tears, means it's time to finish this suspect off. Move closer to him, lower your voice instead of raising it (that implies confidence, and can help establish a kind of "soundproof room" atmosphere), and remind the suspect that it's OK, that telling the truth is the right thing to do.

Let her talk-don't interrupt unless she hesitates or stops, at which time you just say, "Go on, I'm listening."

When she's given you as much as you think she will give, go over it with her: "I want to make sure I have it right."

Don't go reading Miranda right away. This is the topic for another article altogether, but it bears mentioning here. Go over the confession, again reassuring her for doing the right thing, and then take a formal statement, with the Miranda warnings in the beginning.

There are times when you don't get the "entire" confession. Your offender might confess only to having been on or near the scene. He's minimizing his involvement. That's called a "self-serving" confession, and if you can build a strong case against the suspect in other ways, then take it and be happy. Sometimes a self-serving confession, when displayed before a jury who hears all the other testimony and evidence, can be just as damning, or more so, because it proves the subject is lying in court.

Closing

Don't berate-the game's not over. There's no need to go calling the suspect every name you feel he is now that you've gotten the confession. Major cases are full of incidents where subjects call the detective from jail while awaiting trial to provide more information like another suspect, the missing weapon, etc. Keep the door open. There will be time to gloat later, to wave goodbye to him on his way to prison, and to soak up the "victory."

Ramesh Nyberg is a recently retired 27-year police veteran in Miami-Dade County. He spent the last 21 years of his career in Homicide. He also is a