APPENDIX B

FIFRA INTERVIEWING TECHNIQUES

INTRODUCTION

Interviewing can be defined in a variety of ways. The definition can be as simplistic as the "task of gathering information" or "a face-to-face discussion between two people, directed toward some specific purpose." It is also defined as the complex "process of dyadic communication with a predetermined and serious purpose designed to interchange behavior through the asking and answering of questions." Whatever definition you choose, one factor remains constant: Interviewing is a skill that can be learned, polished, and improved through practice.

Felix Lopez (1975) compares the professional interviewer to a professional musician. He says that interviewing is very much like piano playing -- a fair degree of skill can be acquired without the necessity of formal instruction. But there is a world of difference in craftsmanship, in technique, and in finesse between the amateur who plays "by ear" and the accomplished concert pianist. The self-instructed player mechanically reproduces on the keyboard certain melodies that have been committed to memory; the artist, creates an effect that is technically precise, pleasing to the audience, and expressive to the pianist's inner feeling by skillfully blending mastery of musical theory, countless hours of practice, and personal interpretation.

There are certain individuals who are lucky; they are able to play a musical instrument naturally. Likewise, there are certain individuals who communicate well quite naturally. But, can they explain what it is they are doing and why? No. An important skill is developed when we learn how to analyze a situation, determine what alternatives exist, and then make a choice as to how to proceed. It is through knowledge that we can repeat successes and avoid failures.

Investigative interviewing involves an objective search for the truth. The investigator must first be aware of his own personal strengths and weaknesses. Ask yourself the following:

< What people skills have I developed?

- What personal qualities do I possess which will aid me in my quest for the truth?
- What is my attitude?
- Do I use my authority judiciously, or do I approach interviewees as an authoritarian?
- Am I able to consciously use my abilities and skills as needed within the interview to reach my objective?
- Do I have ten years of experience or one year of experience repeated ten times?

The people you will be interviewing can be categorized into the following three broad categories: victims, witnesses, and suspects. They will exhibit varying degrees of cooperation, reluctance, and hostility. Information gathered through interviewing is critical to the successful completion of your investigation. Focus on skill development in the age-old art of persuasion. Such skills will assist you in fostering a greater degree of cooperation with lesser degrees of reluctance and hostility. No one has to talk to you; therefore, your mission is to persuade or "sell" them to do so. Your ability to "set the stage" through the use of verbal, nonverbal, symbolic, and written communication to affect the interviewee's perceptions and thus to bring about desired changes in ways of thinking, feeling, and/or acting, is critical to the development of effective interviewing skills.

The purpose of interviewing in the law enforcement environment is to gather information. The interviewing process is a dynamic, ever-changing interaction, with many variables operating with, and acting upon, one another. To understand and effectively employ this process, the investigator must first examine the interview as a unique form of interpersonal communication. It is useful to break the process into five steps or phases. The synopsis below is followed by detailed information on each phase.

THE FIVE PHASES OF A LAW ENFORCEMENT INTERVIEW

- Introduction - Identify yourself, your partner, and the interviewee; state the purpose for the interview. As a general rule, do not lie.
- Rapport - Create an atmosphere of trust. There is a two-fold purpose for this; it conditions people to talk to you, and it provides a chance for you to establish a nonverbal standard.
- Questions - Begin initial interviews with a "Tell me..." instruction. Then use the six "w's" to obtain additional information. We usually go from general to specific questioning.
- Summary - Summarize what the person has said. This provides you an opportunity to check for accuracy, and

provides the person an opportunity to add new information that comes to mind as you review. In a two-interviewer situation, the Secondary interviewer is responsible for this.

< Close - Be certain to thank people for talking with you. In addition, provide them with a way to contact you and request a way for you to make further contact with them. (A business card is a handy tool for this.).

Whenever possible two persons should conduct an investigative interview. One investigator assumes the role of primary interviewer and takes the major role in the interview. The primary interviewer makes the introductions, states the purpose, establishes rapport, and asks the first series of questions. The primary interviewer is responsible for setting the tone of the interview, and observing the interviewee via all modes of communication. The primary also ensures that the secondary interviewer knows exactly what is required of him/her.

The secondary interviewer initially assumes a passive role in the interview. The secondary interviewer has the main task of recording the interview by taking notes; however, the secondary interviewer also observes the interviewee, asks- additional follow up questions, and summarizes what has been said when it is his or her turn.

It is advantageous for the primary and secondary interviewers to avoid interrupting each other. This will allow each to plan his or her own strategy and employ that strategy throughout the interview.

The Introduction Phase of the Interview (Step 1)

Each enforcement interview starts with a three part introduction.

First, the investigator identifies himself and partner and provides agency credentials. It is recommended that the investigator also make it a practice to produce credentials as a matter of routine.

Second, the investigator, when necessary, will identify the interviewee. The point here is to make certain that you know to whom you are speaking.

Third, the investigator identifies the purpose of the interview. Almost everyone experiences apprehension when the meaning of a law enforcement interview is not clear. The investigator needs to address the issue early in the interview.

It is recommended that the investigator make a clear statement of purpose during the introduction. The statement of purpose is not meant to reveal detailed facts of the case but rather, to provide an overview of what is to come--inquiries pertaining to a specific investigation. A well stated purpose will provide a reason for the interviewee to talk with you.

Be truthful in stating your purpose. When determining how to word the purpose, consider the following:

- Will the stated purpose be specific enough to encourage the person to respond to your questions?
- Will the stated purpose be consistent with the questions you intend to ask?
- Will your verbal communication be consistent with your nonverbal communication?
- Will your credibility be destroyed if you mislead the person as to purpose? What is the potential effect on the interviewee when he/she learns the truth? What potential effect could this have on your case at trial time?

Symbolic communication is especially important during the Introduction phase of each interview. Symbolic communication is the message we send through inanimate objects. This mode of communication is essentially passive and messages emitted in this way are very easily misinterpreted.

Symbolic communication can have a major impact on first impressions which are likely to be made within the first 30 seconds of contact. These first impressions, or gut reactions, often become a base from which we make judgments and decisions, and may well become "a self-fulfilling prophecy."

The first few seconds spent in opening the interview are crucial. What the investigator does during this short time period sets the stage for the interview. The interviewer wants to project an image with which the interviewee can identify. The tone may be serious or light, formal or informal, threatening or non-threatening, relaxed or tense; but whatever the tone, the criminal investigator must make sure that it is the one intended and appropriate.

The main function of the first few seconds is to motivate the interviewee to participate freely and accurately. A poor opening may lead to a superficial interview with inaccurate information or, no information at all.

What you communicate symbolically, deserves your conscious attention. Your personal appearance, grooming, and style of dress play important roles in "setting the stage" for the interview. We say a great deal to each other about who we are and how we experience each other and the rest of the world through symbolic means. To set the stage, we must dress for the part. Some of the symbolic communicators that the criminal investigator wants to be aware of and use to advantage include:

- **Clothing** - Our choice of clothes can tell a great deal about who we are, what our values are, what our status is, and how conservative or liberal we are. We associate differences in occupational status with different uniforms; the banker wears a suit, the mechanic wears overalls, and so on.
- **Hair -** Hairstyles and facial hair say a great deal about who we are; however, these signals may be read differently by different people. We often stereotype people according to

haircut. Bearded men may be presumed to be more liberal than unbearded men; men with long hair may be presumed to have different political, economic, and social philosophies than men who have short hair.

- **Jewelry -** Our jewelry sends passive messages to other people. For example, in our culture, we believe and expect a person wearing a band on his or her left ring finger to be married and we expect a person who regularly wears lots of gold to have money. We make determinations about people who wear beads, a flag in the lapel, a peace symbol around the neck, or an earring in one ear, etc.
- **Cosmetics or makeup -** People tend to attach meaning to different degrees of cosmetics and makeup. For women, the prostitute may be expected to wear heavier makeup than other women. Both men and women who use an abundance of cosmetics such as after-shave or cologne send symbolic messages; others draw conclusions--self-centered, arrogant, trying to appear younger, etc.
- **Choice of automobiles** - The business executive who drives a sports car is sending out a different set of messages to the world than is his colleague who drives a pick-up truck. The "Image" created by driving a BMW differs from that created by driving a Ford.
- **Choice and location of our houses -** Social status is directly related to the type of dwelling one lives in and its location. People draw conclusions based on what your home symbolizes to them.
- **Geography of our living spaces** - If you sit behind your desk in your office interviewing someone who is on the other side of the desk, you are giving out a fundamentally different set of messages than if the two of you sit face to face with no intervening furniture.

We give out a continuous stream of signals about ourselves by way of symbolic communicators. These symbols are essentially passive but are a real part of our communication. We, as investigators, must realize that the interview is a reciprocal interaction and that, psychologically, the degree to which we (and they) are willing to accept what another person has to say depends on three things:

- How trustworthy the person is seen to be.
- How qualified the person is seen to be.
- What type of person the individual is seen to be.

Inappropriate attire, grooming and other symbolic communicators greatly reduce the ability to command authority and maintain credibility. Symbolic communication can have a major impact on first impressions. Remember, while you are “sizing up" the interviewee, he or she is also "sizing you up." Much of this unconscious decision-making is made by analyzing the inanimate objects that one wears or owns.

The Rapport Phase of the Interview (Step 2)

Rapport might be defined as a relationship marked by harmony. Although it is listed as "Phase #2", rapport is a process that begins with the initial contact and continues throughout the interview. It must be genuine and not phony. It can be as simple as a handshake or a smile; it can be simply that you present yourself well and come across as decent, fair, and easy to talk with. The success of your interview may depend on your ability to persuade the interviewee to talk. Because many people resist giving information to a stranger, the investigator must attempt to establish a sincere and trusting environment - one that encourages interaction. This is known as establishing rapport. Remember, rapport begins the moment contact is made. To help you establish rapport:

< Identify yourself immediately, and present your credentials to provide assurance.

< Begin the inter-view by commenting on a topic of apparent interest to the interviewee. (Most people love to talk about themselves; let them.)

< Establish confidence and trust by having a friendly discussion when appropriate.

< Keep conversation informal and easy.

< Display pleasant emotional responses and avoid unpleasant expressions.

< Encourage the interviewee, but never hurry or pressure him.

< Appear interested and sympathetic to the interviewee's problems. Really listen.

< Save direct questions that may insinuate involvement or guilt until later in the interview, or until a second interview.

< Don't begin the tough part of the interview until the interviewee appears friendly and cooperative.

< Try to re-establish rapport at any time during the interview when the subject appears to have become reserved or hostile.

< Keep the twofold purpose for rapport in mind:

- It conditions the interviewee to talk, which can set a pattern which may commit the interviewee to continued cooperation.

- It is helpful in reducing any general nervous tension generated by the investigator's "knock on the door."

Nonverbal communication is especially important during rapport-building efforts and, in fact, throughout the interview. Assessing nonverbal behavior patterns assists the investigator in determining a "baseline" behavior, or "standard", for comparison, and aids in detecting deception. Investigators need to be aware of the four forms of nonverbal communication which follow.

Body Movement (Kinesics)

Kinesics is the study of body movement, posture, and gestures. Body movement either agrees with or contradicts verbal communication. In order for us to believe we are hearing the truth, body movement and verbal communication must be congruent. When nonverbal communication contradicts the spoken word, we are inclined to disbelieve what is said. Through careful observation, investigators can detect consistencies or inconsistencies in testimony. Sigmund Freud stated, "He that has eyes to see and ears to hear may convince himself that no mortal can keep a secret. If his lips are silent, he chatters with his fingertips; betrayal oozes out of him at every pore" (Knapp, p. 229). In other words, we send signals (give ourselves away), unknowingly. What the investigator must do is learn to recognize such clues to truth and deception. The investigator wants to use body movement to his or her advantage and assess the meaning accurately.

Posture is a good indicator of emotional states. A person who stands or sits very straight and stiff typically has a good deal of muscle tension, which is a cue for a high amount of emotion. Posture also is a good reflection of status. When the status of two individuals is unequal, the superior's posture tends to be relaxed, while the subordinate's posture tends to be more rigid. Changes in body posture, for example the crossing and uncrossing of legs and the constant shifting of body weight, suggest anxiety. The interviewer must then determine the cause of that anxiety.

Categories of nonverbal behaviors vary from group to group and from culture to culture. A vast amount of research has been done on body movement, gestures, postures, etc. Ekman (1986) classified certain nonverbal behaviors into five categories:

- **Emblems** are gestures that can take the place of verbal communication. For example, waving the hand or giving someone "the finger."
- **Illustrators** are gestures that aid the verbal communication. They are nonverbal acts that assist us in encoding and decoding information. For example, talking with our hands and pointing when giving directions.
- **Regulators** are body movements we use when interacting with others that indicate a change of subject, end of a thought, agreement, end or start. of an interaction, etc. For example, shifts in posture, nodding yes, or shaking the head no.
- **Affect** displays are nonverbal behaviors that reveal the intensity of our emotion. For instance, posture can indicate

one's emotional state, but an accurate assessment of what it all means must be made in conjunction with what the rest of the body is "saying."

< **Adaptors** are unconscious nonverbal behaviors we typically exhibit in times of stress or when experiencing a high emotional state. For example, twisting the hair or increased touching of the body.

Eye Movement (Oculesics\Pupillometrics)

For centuries women used the herb Belladonna to dilate their pupils in order to appear more attractive. However, without the use of some type of foreign substance, pupil dilation and constriction are beyond conscious manipulation. Because of this fact, the eyes are said to reveal one's true inner emotions; therefore, a marked change in pupil size could indicate a sensitive area for the interviewee. It could also indicate deception.

Some researchers claim that excessive blinking correlates with high anxiety levels and that stressors, whether they are physical, emotional, or mental, have an effect on the size of the pupil. By taking notice of the changes in this particular unconscious, nonverbal behavior criminal investigators not only improve their interviewing skills, but may add vital information to the study of pupillometry. Even if an investigator does not know what specifically brought about the change in the interviewee's pupil size, intensifying the questions at that point may reveal the answer.

A considerable amount of research has also been done on the relationship between the extent to which individuals open their eyes and their emotional states. The San-pa-ku phenomenon (Japanese culture), literally translated as, "three whites", is a condition in which the whites of the eyes show below the pupils (as well as on each side of the pupils) when looking straight ahead. It has been theorized that this condition can be found in those individuals experiencing high emotional levels or high stress. When noticed, the investigator must add it to other nonverbal indicators in order to make an accurate assessment of why it is happening.

Gaze is also important in evaluating for truth and consistency. Gazing refers to one's "looking" behavior; this behavior may or may not be directed at another individual. Mutual gazing refers to two individuals looking directly at each other, typically in facial region. Gaze aversion is a normal response to high anxiety levels and refers to the avoidance of eye contact in an uncomfortable situation.

Research tends to support the theory that we look more at those we view in a positive light and from whom we desire approval. "Researchers have also found that a person will like you more if your gazes are longer and less frequent rather than shorter and more frequent. Constant shifting or darting of the eyes communicates discomfort or even dishonesty"
(Hamilton, 1987, P. 1 19).

An uninterrupted gaze is a stare. Stares may be interpreted as threatening or may be considered a power display. Stares often lead to a gaze aversion by another. Stares may indicate assertiveness, dominance, waiting for a response, or a request for help. Whether the interviewee is staring, gazing, or simply making eye contact is up to the criminal investigator to determine. When making this determination, consider the amount and direction of the eye movement and whether it is different from the established pattern (baseline).

Space and Distance (Proxemics)

Animals are territorial. Predators will mark off a section of woods for their hunting; grazing animals will allow you to get only so close - another step and they flee. This concept has been applied to man and research has lead to the determination that there are average distances at which humans are comfortable. The study of these distances is called proxemics.

The distances at which we are comfortable with other people vary from individual to individual, and culture to culture. For the mainstream American culture, the information below shows the "space bubble" a person surrounds himself with.

- **Intimate Zone (O" to 18")** -This is the distance used with lovers, close friends, and children. We are uncomfortable and tend to back away if strangers penetrate too close without our permission.
- **Personal Zone (1-1/2' to 4')** -This is the distance normally used to conduct conversations and deal with people on a one to one basis. It is the area defined by personal physical control or "an arm's length."
- **Social (4' to 8')** -This is the distance used to conduct impersonal business and to deal with strangers.
- **Public (8' and beyond)** -This is the distance used for more formal social or business affairs. The desk officer dealing with police business falls into this area.

In different cultures the zones may shrink or expand. For example, in Arab countries, the personal zone moves in to about 12 inches. In most cultures, males prefer a slightly larger space bubble than do females. If the zone we prefer to keep a person in is violated, we begin to feel uncomfortable. In some cases open hostility results.

Interviews are usually started in the personal or social zone. The distance can then be varied depending on the situation and goal. The key concept in using distance in an interview is to give the interviewer a psychological advantage by making the hostile subject anxious or making the friendly witness comfortable. Sometimes, investigators may find that using the personal zone with victims is an effective tool in demonstrating caring and concern; learn to vary the distance (creating or lessening anxiety) as necessary to achieve your goal.

The feeling of intimacy and the resultant anxiety is not determined by physical distance alone. Argyle and Dean, (1965) define intimacy as a function of eye contact, physical proximity, intimacy of topic, amount of smiling (i.e., threatening or non-threatening nonverbal communication), and physical environment. A knowledge of space expectations helps us to understand why seemingly innocent people sometimes react defensively to the presence of law enforcement personnel. The reaction may be a backing away to re-adjust distance, a demand to get out of his face, or an attack. Intrusion into one's personal space becomes a safety concern because it is often perceived as both unwelcome and threatening.

Touch (Haptics)

Styles of touch vary according to culture and personal preference. The importance of touch as a communicative tool is well-illustrated below:

In a French hospital, a doctor was very concerned about two things: insufficient staff and high infant mortality rate. He decided to examine both concerns from a number of angles. He discovered that due to the shortage of staff, infants were getting minimal treatment--they were fed and diapered--nothing more. To relieve the over-worked staff, an appeal went out to the community for volunteers to work at the hospital. He received volunteers, many of which spent a great deal of time with the babies: bathing, feeding, rocking, and, in general, mothering them. The amazing result of solving his staffing problem produced a 50% decline in the infant mortality rate. Dr. Talbot of Boston visited the "Children's Clinic" in Dusseldorf, Germany, and brought back the concept of "tender loving care." However, it was not until after World War II that the importance of touching was widely acknowledged in both the medical and psychiatric fields.

In our country, touch most often begins with the person of highest status going either across (peer to peer) or down (to lower status). Exceptions do exist. As a law enforcement investigator (public servant), touch is acceptable when there is permission, and when there is obvious good reason. Any violation of these conditions may cause anxiety. When anxiety levels increase, your safety decreases. Touch is the most dangerous nonverbal communication for investigators to misuse; you cannot violate touch without also violating personal space.

It is essential that the criminal investigator take into consideration the effect that his or her touching may have on the person he or she is dealing with. Consider the task at hand. Do you need to control physically (arrest, detain, change positions)? Do you need to express compassion and caring? Is there a reason for touching? If so, how do you touch? Is your manner of touch appropriate to the situation? Remember, if misused, touch may result in an escalation of emotions which may increase the potential for danger. If used properly, touch may be instrumental in defusing a volatile situation, in calming a distraught victim, in restoring peace, or in gaining the cooperation of a reluctant witness.

Evaluating Nonverbal Behaviors

< **Context** - Consider the big picture including:

- Physical environment
- Intensity of the setting
- Maturity and intelligence level of subject

< **Change** - Recognize any change from the person's normal behavior. Notice the consistency of the change. (It is necessary to first establish a baseline, or standard, in order to observe changes.)

< **Clusters of behavior** - Assess the overall behavior; do not rely upon any single observation.

< **Culture** - Keep in mind that "normal" may change with different cultures. Changes in behavior occurring during or right after a question have been found to be most reliable as indicators of truth or deception. Such changes are responses to stress; what the interviewer must do is evaluate the reason behind the stress. Reactions may indicate deception; however, they may indicate something else such as fear, anxiety or illness. The investigator will make an assessment considering the "big picture."

The Questioning Phase of the Interview (Step 3)

Questions are basic to most interviews, whether you are conducting a survey, selecting an employee, evaluating a worker, making a sale, or conducting an investigation. The ability to use questions effectively is a key skill for the interviewer. During initial interviews, questions usually follow the response to a, "Tell me what happened" instruction. It is important for the investigator to listen to what is first reported, ask questions, and then develop a conclusion.

Most often, questions are asked in a conversational manner using terms familiar to the interviewee. The investigator should give careful consideration to regional and cultural differences in vocabulary. Questioning is a four-step process:

< Ask the question.

< Receive the answer.

< Evaluate the response (for truth and/or consistency).

< Record the response (write it down).

There is a great difference between merely asking questions and actually making questions work for you effectively. Some characteristics of good questions are:

< Simple and addressed to one topic.

< Clear and easily understood.

< Contain "soft" words rather than "fighting" words.

Language problems are often encountered during questioning. The people involved may speak a common language, but the meanings associated with some words may be quite different. Words are learned in a particular environment under particular circumstances and therefore become imperfect vehicles for communication. Yet, we depend on them to convey intended messages. Meanings are inside people; we must work to understand where each person is coming from. Consider the following:

< **Choice of words**. Use words familiar to the interviewee. Many words have multiple meanings which can cause communication breakdowns between persons of different ages, professions, geographic backgrounds, economic statuses, experiences, or educational levels. Keep up-to-date on changing usage of common words.

< **Vary your voice**. Paralinguistics (pitch, volume, rate and quality of speech) involves how something is said. Pitch is the highness or lowness of the vocal tones. Volume is the loudness or softness of the voice. Rate is the speed of the speech. Quality is the sound of the voice. These characteristics combine to form the paralinguistic messages that accompany verbal messages and either complement, supplement, or contradict the words used. People talk loudly when they wish to be heard, when they are angry, and when they are jovial. People also raise and lower their pitch to accompany changes in volume. In addition, they may also raise the pitch when they are nervous and lower the pitch when they are trying to be forceful. Some people talk rapidly when they are happy, frightened, or nervous and talk slowly when they are uncertain or trying to emphasize a point. Use paralinguistics to enhance your clarity of expression.

< **Use the pause to your advantage**. Unfortunately, in our society, the listener is deemed to be the first person who takes a breath. We are constantly fighting each other to see who can be the first to fill the silence with words and other noise. Silence generates anxiety. The effective interviewer will wait to see what the silence will bring. If you wait long enough, the interviewee is very likely to say more!

Types of Questions to Avoid

Leading This type of question is phrased in such a way that it suggests the desired answer. The question can generally be answered with a "yes" or "no" and tends to contaminate the information obtained. For instance: "You said you saw a car; was it a red car?" Or, "Did you see the red car?" There are exceptions. Leading question may be of benefit to:

- Enhance recall and possibly obtain more information when the person can't remember specifics such as color, height, distance, etc. The investigator can phrase the question in a way that is leading but makes a comparison and offers a choice. For example, "Was it a dark car or a light car?"
- Test whether an interviewee's prior statement is true or false. For example,"You said you saw him on Monday, or was it Tuesday?"

Negatively phrased The negatively phrased question not only suggests that the response is to be “no", but also implies that, " no" is the right answer. For example, "You don't know his name, do you"" Or, "You didn't see him, did you?" Or, "You don't remember what she looks like, do you?" Or, "You didn't get the license number, did you?"

The negatively phrased question may indicate to victims or witnesses that they don't know the answer and more importantly, they don't have to try very hard to remember the correct information. For the suspect, a negatively phrased question suggests that "no" is the expected answer and thereby may provide an out."

Compound Questions contain two or more questions asked in rapid succession before the interviewee can respond to the first one. Also included in this category is the rephrasing of the original question before a response is obtained to the first version. Many compound questions contain the word "or." For instance, "Did you go alone, or did someone else go with you?"

Compound questions confuse the interviewee and often cause information to be missed or overlooked. In many instances, when faced with multiple questions, the interviewee will answer only the last or, the least threatening, question. The answers to the other questions are most often lost because the investigator does not remember to ask them again.

For the suspect, compound questions offer an "out." The suspect may weigh the implications of the answers to each question and answer only the questions that are least incriminating and cause the least amount of stress. The suspect will use compound questions as an opportunity to conceal information. Further, he or she will rely on the fact that most interviewers will not ask those "lost" questions again.

Complex questions are complicated, not easily understood, and cover more than one topic. Complex questions tend to confuse and lead to an, "I don't know", or a false answer. For example: "Based on your prior knowledge of the circumstances leading up to the incident and the reactions of others indicated by their testimony, what would have been the suspect's actions throughout this period?"

Types of Questions to Use

For initial interviews, questions are sequenced from general to specific.

Open-ended questions (narrative response questions) ask the "Who, What, When, Where, Why, and How," or a "Tell me" instruction. They encourage the person to talk, and allow the interviewer to obtain the "big picture" of what the person may know. The interviewer should refrain from interrupting during a narrative response.

Open-ended (narrative response) questions tend to:

- Condition the interviewee to talk with us.
- Commit the interviewee to a story.
- Allow interviewers to evaluate their questioning strategy.
- Generate more complete responses.
- Aid in determining the education level of the interviewee.
- Result in responses that shed light on the subject's personality.
- Allow for the interviewee's opinions.
- Allow us the opportunity to analyze what has or has not been said.
- Allow the interviewee to feel in control of the interview.
- Allow for a logical progression of the interview and continuity of specific questions.
- Take more time.
- Allow for self-serving statements.

Closed-ended questions (specific or direct) call for a precise answer. They are direct and tend to be closed-ended. The requested answer is limited to a definite item of information. The specific question can be used to extract more detailed information or to clarify after a narrative response question is answered.

Specific questions often solicit a "yes" or "no" answer. While this restricts the amount of information a person may be inclined to give, specific questions do have a place--they are wonderful direct questions. For instance, "Did you do it?" is an excellent question to be asked of suspects. Direct questions are seldom used when seeking new information, but are desirable during cross-examination or when verifying information.

Closed-ended questions:

- Are important to the speed and efficiency of the investigation.
- Are directed to exact detail.
- Often save time.

- Elicit shorter answers.
- May inhibit rapport.
- May put more strain on the interviewer.

Backward reaching questions

Backward reaching questions start with the known information and work toward areas of undisclosed information.

The interviewer mentally reaches backward and frames the next question as a logical continuation of the facts previously related. For example, "You said earlier that you went to the convenience store; how did you get there?"

Empathy or sympathy questions

Another means of asking questions that may assist the investigator in soliciting information by building rapport is to express empathy or sympathy and then follow with a question. For example, I can understand your anger; how many times did you hit him?"

Opinion questions

Although the investigator's main concern is the collection of facts, a wealth of information is often revealed when opinion questions are asked.

In many instances the victim or witness will have much information about how a crime may have been committed or who would be a suspect. Often, when a suspect is asked how a crime could be committed, the responses exactly how he did it.

Three Questioning Techniques

First, the free narrative response is an orderly, continuous account of an event or incident given with or without prompting. The free narrative follows the effective use of open-ended questions discussed earlier in this text. Usually it can be initiated by instructing the person to tell, what happened. The investigator must be sure to specifically designate the occurrence to be discussed.

Most people will edit the information and give only what they want to relate or feel is important. Investigators must encourage people to tell the whole story by facilitating recall and waiting through pauses. Sometimes, the person digresses - the interviewer must not be too hasty in stopping him from wandering. The interviewee will sometimes give valuable clues while talking about things that are only partially related to the matter under investigation. The interviewer should be careful not to erroneously interpret deviations from the anticipated narrative as wandering. We may wish to control the interview, but that doesn't mean dominate it!

A second questioning technique is direct examination. This is systematic questioning designed to bring out a connected account of an event or incident. The direct examination uses the why and how questions. Its purpose is to elicit new information or to fill in details omitted during the free narrative. To effectively accomplish the direct examination the investigator:

- Begins by asking questions that are not likely to cause the person to become hostile.
- Asks the questions in a manner that will develop the facts in the order of their occurrence (or in some other systematic order).
- Asks only one question at a time, and frames each question so that only one answer is required.
- Asks straight forward and frank questions without using bluffs, tricks, or deceit.
- Gives the interviewee ample time to answer and does not rush.
- Tries to help the interviewee remember, but does not suggest answers. The interviewer is also careful not to imply any particular answer by facial expressions, gestures, method of asking questions, or types of questions asked.
- Repeats or rephrases questions again and again if necessary to get the desired facts.
- Ensures that answers are understood. If they are not perfectly clear, he has the interviewee explain them at once.
- Gives the interviewee the opportunity to clarify answers.
- Separates facts from inferences.
- Has the interviewee give comparisons or estimates of time, distance, types of automobiles, descriptions of persons, etc., to determine accuracy of judgment.
- Gets all of the facts. Almost all interviewees can tell you more information than they initially recall or admit knowing.
- Asks questions about every item discussed.
- Asks the interviewee to summarize the information and then follows up by a resummarization asking the person to verify the accuracy of the information.

Cross examination is an exploratory questioning technique conducted for the purpose of testing the reliability of information, breaking down previous assertions. It is very useful for the purpose of testing previous testimony for correctness, resolving conflicting information, determining completeness, filling in evaded details, evaluating the judgment of witnesses, and undermining the confidence of those who lie. Insofar as is practical, the investigator should evaluate and check previous testimony against known, or readily available, information. This will give clues to portions of testimony that should be further explored during cross-examination, such as:

- Attempts to evade answers.
- Vague answers.

- Conflicts of information.
- Inconsistent answers to the same or similar questions.
- Apparent falsehoods.
- Suspicious actions or appearance of the subject.

Generally, the examining officer should be friendly, but reserved and unemotional. Effective cross-examination can be conducted without abuse or coercion. Have the interviewee repeat testimony about a particular event. Attempt to keep expanding on details at random without following a definite order or sequence. This is usually best accomplished by asking about the event in a different manner from time to time. Ask what happened, why it happened, when it happened, who was there, why they were there, how the subject happened to be there, and what preceded or followed the event.

The investigator should occasionally inject a different context or relationship of details.

For example, initial question: "When did you first meet the defendant?" First subsequent query: "Tell me what led up to your first meeting with the defendant." Second subsequent query: "Did the defendant give you any indication of his plans prior to the previously mentioned meeting?" Subsequent query: "How long after you learned of the defendant's plan did the indicated meeting take place?" Be alert for inconsistencies in replies; when people are recalling facts, they will usually be consistent. Liars, on the other hand, generally find more and more ties are necessary as additional details are required. They either forget what they have previously asserted or fabricate details that are not consistent with previous statements. If you believe you have been lied to, rephrase the question and ask again.

It is permissible to use suggestive questions during cross-examinations. "You saw the defendant strike his supervisor, did you not?" "You had no trouble seeing Richard Roe in the bright moonlight?" "Would you estimate the distance to the still to be about one mile?" "Wouldn't you say that only an expert could make a counterfeit bill this good?" If the interviewee is fabricating information or lying about an occurrence, he will frequently concur with suggested answers that fill in details of his story. If many of the questions are designed to suggest false answers, the interviewee may make false assertions that can be shown to be erroneous. This procedure may be valuable in testing the validity of testimony from witnesses.

Ask about known information as if it were unknown, or ask about unknown information as if it were known. Use a casual tone and demeanor. Show no sign of surprise or emotion when false answers are given. Use good judgment in developing questions that have a strong probability of being answered affirmatively and truthfully.

Specifically explore vague or evaded responses to your questions. Frequently such areas are purposely slighted because they are

particularly embarrassing to the subject. Always be suspicious that these slighted details are of direct concern to the person. Often they involve some previously undisclosed, but pertinent, information

Point out conflicts. It usually best to ask deception questions before confronting the subject with evidence of conflicts or proof of falsehoods. Ask the interviewee to explain inconsistencies or conflicts in his statements. Tell him his statements have been proved false by previously established facts, physical evidence, contradictory circumstances, etc. Ask for an explanation. Any explanation or revised information should be subject to the same direct and cross-examination scrutiny as was afforded the original story. Notice physical signs of lying, such as nervousness, guilty appearance, dry mouth, and sweating hands.

Summarize the known facts and compare them with the interviewee's statements. Ask the interviewee to explain each item of damaging evidence; then point out his illogical answers.

Active Listening During the Questioning Phase

Listening is hard work, and most people don't give it their best effort. It has even been said that the most common mistake in communication is the failure to listen. This shortcoming is especially discouraging in law enforcement because listening is a critically important element of interviewing. To be an active listener:

- Remain neutral.
- Ask questions as needed for clarity.
- Clear your mind of other matters.
- Concentrate on the response.
- Paraphrase the response and repeat back to the interviewee for clarity.

There are many reasons for poor listening. Among them: poor hearing, personal concerns, noise, rapid thought, and the fact that the sheer amount of speech that we encounter each day makes it impossible to listen carefully to everything we hear. But there are several steps we can take to enhance our listening skills while engaged in an interview:

- **Stop talking**. "We have been given two ears and but a single mouth, in order that we may hear more and talk less." It is difficult to talk and listen at the same time. Talking includes the silent debating, rehearsing, and retorting that often goes on in our minds. The first step to better listening, then, is to keep quiet when another person speaks.
- **Put the speaker at ease**. Help the speaker feel free to talk with you by working to create a supportive climate. Besides telling the speaker that you care about what is being said, look and act interested. Non-verbal cues associated with

caring appear to be more important than a listener's verbal response. Head nods, eye contact, a forward attentive lean, and a warm tone of voice are expressions of interest that provide positive feedback.

- **React appropriately**. In order to help the speaker realize that you might be having problems understanding, offer positive and negative feedback. These behaviors include both verbal and nonverbal communication such as facial expressions, nodding, and shaking your head.
- **Concentrate**. Focus your attention on the words, ideas, and feelings of the speaker. Put the speaker's ideas into your own words, relate them to your experience, and think about any questions you may have.
- **Get rid of distractions**. Avoid fidgeting with your pen, playing with a paper clip, or doodling. Whenever possible, pick a listening environment that minimizes distractions such as passersby, telephone calls, and loud noises.
- **Don't give up too soon**. Avoid interrupting until the other person expresses a complete thought. Statements that at first seem unclear often make sense if you let the speaker talk for awhile. Many interviewees will purposely pause, hoping the criminal investigator will pick up the conversation and let him off the hook.
- **Avoid making assumptions**. If you disagree with what you hear, do not assume the speaker is uninformed, lying, or otherwise behaving dishonorably. Listen for facts! Get tough with facts, not opinions!
- **Don't argue mentally**. Give the speaker a fair chance. If you argue mentally, you lose the opportunity to listen to what the speaker has to say.
- **Listen for main points and supporting evidence**. Effective interviewing requires that we listen for main points and support for the speaker's views. To dwell on a side issue or minor inconsistency while forgetting the main idea is non-productive.

Share the responsibility for the communication. Communication is a transaction; we are simultaneously senders and receivers. Use active listening. Instead of letting your mind wander away from what is being said in order to plan what you are going to say when you have a chance, take an active part by attentively listening and showing interest. Active listening involves questioning and feedback!

The Summary Phase of the Interview (Step 4)

After asking the questions needed to complete a successful interview the investigator must summarize to ensure that his notes are complete and accurate. During this phase, the interviewee will often clarify, or add to, previously given information.

The summary is an important part of the interview, especially in the one-agent-interview, as it allows the interviewer to be sure he/she has all the information. In a two-agent interview, the secondary interviewer summarizes from notes just taken and may ask any questions not asked by the primary interviewer. Steps to a successful summary:

- Mentally rearrange the information obtained in logical order.
- Summarize the information by stating important details in proper sequence.
- Stop periodically and ask the witness to verify the correctness of your interpretation (paraphrasing).
- Correct any discrepancies before you proceed.

The Closure Phase of the Interview (Step 5)

The final phase of the interview is the close. The close is the continuation of rapport and courtesy to ensure that the door is left open for future contact. The interviewer needs to be sure to thank the interviewee for cooperation, or express empathy for lack of cooperation. Reassure the interviewee about any concerns, such as, that the information provided will be de information used for official purposes only. Give the interviewee the opportunity to provide information concerning matters not specifically covered during the interview and make sure the interviewee knows how to contact you when he or she remembers or obtains additional information. Get any additional identifying data you may need (phone numbers, addresses (both home and office), etc.). Ask the interviewee how, when and where to contact him again if necessary.

WRITTEN COMMUNICATION (NOTE TAKING)

Because interviewers are bombarded with lots of information, both verbal and nonverbal, some way of preserving the information is needed. The most common way is to take notes during the interview. This practice helps the interviewer document information gathered. Frequently, a review of your notes at the end of the interview will call to mind things that had been forgotten.

For the purposes of this lesson, law enforcement interviewing will focus on notetaking only. (There are other important forms of written communication for the investigator such as written statements that will not be covered here.)

As an interviewer, you may find that taking copious notes sometimes inhibits the flow of communication, and you may need to change your style. Interviewees are often curious about what you are writing and may even ask what and why you are writing. An appropriate response may be: "I am taking notes so that I will accurately record what you are reporting. I will go over them with you when we are finished." A few guidelines can reduce problems in taking notes:

- Preserve effective communication with the interviewee by being as inconspicuous as possible. Maintain as much eye contact as possible while taking notes. Use abbreviations or a form of shorthand to speed up notetaking.
- Avoid communicating to the interviewee what you think is important by taking notes frantically during the answer to one question and sitting patiently through the answer to another question. Develop a style of notetaking that allows you to be less conspicuous.
- Bring out your notebook in a natural way early in the interview. This will allow the interviewee the opportunity to get accustomed to the idea of notes being taken.
- If you have written out a list of questions, keep them separate from your notebook and make a list of "key words" to remind you of the questions. Otherwise, you will be drawing a great deal of attention to yourself by flipping pages in your notebook. Also, do not number your questions or check them off as you go. A quick-eyed interviewee is likely to glance at your list and gauge the length of the interview and start editing his answers. It is helpful to leave margins for additional notes and comments.
- If you are conducting a one-interviewer interview, do not take notes the first time through. Take notes the second time through the interview, when you are seeking specific details.

If note taking generates reluctance to talk which you cannot overcome, remove the notebook from eyesight and wait until immediately after the interview to record the information received. Do not ask permission to take notes, but do stop taking them if it interferes with the flow of information.

PLANNING AND PREPARING FOR THE INTERVIEW

Generally, the investigator must attempt to locate and interview everyone thought to have information relevant to the case. When there are multiple witnesses, separate them to avoid information contamination, and do your interviews in a location where conversations cannot be overheard. When there are no apparent witnesses, hard field work may produce information. The investigator may start by interviewing all persons who live in the area, the types of merchants who might furnish supplies for the activity, transportation companies who may have provided transportation to or from the area. To best conduct the interview, several planning steps must be considered:

< **Determine the goal (objective) of the interview**. It is impossible to complete any task efficiently unless you know what you are trying to accomplish. Sometimes the goal of an interview seems obvious. What is not always clear is how to reach that goal. In any interview, the investigator should make the goal as clear as possible by asking himself/herself:

- What do I know?
- What do I need to know?
- Is the information I seek essential, important or, nice to know?

A good strategy to assist the investigator in determining the main objective is to mentally ask, "If I had one, and only one question to ask, what would that question be?" Often, the answer will provide direction.

< **Obtain background information**. Prior to an interview, obtain as much information as possible on the details of the case and the background.

- Read all available investigative reports and talk with other investigators who may have worked the case.
- Examine any statements that have been obtained.
- If practical, visit the scene.
- Evaluate all related physical evidence recovered to date.
- Check telephone directories, city directories, and similar sources of information about addresses, occupations, families, etc.

< **Prepare an outline**. The outline should cover every item you feel you need to explore. The outline acts as a reminder. As a rule, items outlined will be key words rather than the actual questions themselves. Many investigators, when using specific written questions, will fall prey to a natural tendency to focus on the questions rather than the answers. Active listening helps us to determine appropriate follow-up questions. The outline should contain:

- Name and identifying data of the interviewee.
- Date, time, and place of the interview.
- Names of all people present.
- Objectives (pertinent issues) to be covered.

< **Determine time, place, and sequencing for the interview**. Interviews should be initiated when there is sufficient time to permit an extended period of questioning without undesirable interruptions.

< **Determine the physical environment**. The physical environment (comfort, noise, privacy, distance between the interviewee and interviewer, seating arrangement, etc.) will affect interviews. The investigator can enhance the interviewee's concentration and motivation with a well-lighted, pleasantly painted, moderate-sized room that has a comfortable temperature and proper ventilation. Noise, movements, and interruptions, especially telephone calls, disrupt concentration, thought patterns, and the mood of the interview. People have difficulty listening and thinking when they can see cars on the street outside a window, persons moving about in an outer office, or other investigators coming and going. The investigator must provide for privacy whenever possible.

  - Other significant barriers are body barriers (crossed arms or legs, the cold shoulder, etc.). The investigator will want to use rapport-building techniques to minimize these. Sometimes, when rapport is lacking, distraction techniques such as involving the interviewee in some type of activity may eliminate or minimize body barriers.

  - Usually, initial interviews begin with the interviewer and the interviewee seated about an arm's distance (3 to 4 feet) apart. When there are two interviewers, the primary interviewer should be seated slightly closer to the interviewee and the secondary interviewer a little farther away and out of eye contact with the interviewee.

There are always occasions when, for whatever reason, only one investigator will conduct an interview. The single-interviewer interview is the most difficult because it requires one investigator to do it all. A major drawback is that it automatically creates the barrier of notetaking which distracts both people. The interviewee may feel that his or her needs are, not being attended to, or may actually become overly interested in what is being written. The investigator may also become overloaded and miss information by failing to listen or failing to see what is communicated. Suggestions for note taking when one investigator is interviewing include taking abbreviated notes during the questioning phase, taking notes only during the summary phase, and taking notes immediately following the interview. Each investigator will have to determine what works best for them.

ELICITING INFORMATION FROM RELUCTANT WITNESSES

Because investigative interviews delve into feelings, attitudes, and reasons for actions, they often hit raw nerves and evoke reactions ranging from tears to hostility. To elicit information from a reluctant witness is a complex process; there are no hard and fast rules. The investigator must merge a variety of "people skills" such as the use of persuasion, influence, patience, persistence, objectivity, flexibility, control, and confrontation.

If an interviewee seems unwilling, or unable to talk, try to determine why. The person may be inhibited by the investigator, the situation, the topic, the surroundings, other people, etc. Sometimes reluctance cannot be overcome during the interview. You might change your style (from formal to informal, or cool professional to warm friendly) or your questioning strategies. As a rule, to encourage a friendly witness to respond, the investigator should ask general, non-threatening questions until the person has warmed up and is ready to give answers. Use silence to encourage the interviewee to talk, head nods to keep them talking, and good listening techniques to show empathy and interest. Active listening can assist in overcoming reluctance and hostility, and in determining how and when to confront the interviewee with inconsistencies.

Interviewees often try to evade questions that force them to reveal inner feelings or prejudices, take stands, give specific pieces of information, or incriminate themselves. Evasive strategies they may use include humor, "put on" hostility, counter questions, requests for rephrasing and giving a rationale for a question. The person may also give long answers that provide little information or dodge the issues.

If you detect hostility, try to determine first if it's real (or merely your perception) and second, its cause. A person may feel angry, depressed or helpless because of the circumstances, and the investigator becomes a convenient target for releasing feelings. Hostility may be directed toward you, your organization, your position, your profession, or the requested information which is seen to be damaging to the person if revealed. When a witness is concerned with confidentiality, advise them that the information will be used for "official purposes only." You cannot promise complete confidentiality; little is confidential in a law enforcement interview. The investigator never knows what the attorney may do with information that is forwarded to him. The only promise you can make to a suspect is: "I will bring your cooperation to the attention of the U.S. Attorney."

Bad experience with investigators may lead the interviewee to expect the worst from you. An interviewee may become hostile due to the timing of the questions, words used, or the nonverbal messages, or because he feels he has been pushed too far. Be careful of unwarranted pressure tactics. Allow a hostile interviewee to blow off steam while you remain friendly and non-defensive.

Confronting Interviewees

Background information plays a key role in determining your approach to successfully gain cooperation, obtain information, and determine when and how to confront. You must have things correct in your mind--it doesn't work when you just think you are right. You must have the facts to effectively confront someone with inconsistencies, contradictions, and deceit. The following may help:

- Confrontation in the interview follows a similar continuum as that of the patrol officer determining appropriate use of force. Generally, we start at the low end of the continuum and step up the intensity as the situation warrants.
- Sometimes, it may be necessary to begin confrontation at a higher point on the continuum. Start at a point just under the level of resistance of the interviewee and increase the intensity as necessary.
- Picture the interviewee as a candle flame. Your approach should be geared to the level of that flame. As the flame goes higher, so does your level of confrontation; as the flame decreases, so does your level of confrontation. Try to stay one step lower than the interviewee.

It often helps to confront lies immediately. That way, hostility has little time to build. But, you must be positive that the statement is a lie; when you are wrong, you lose your credibility and perhaps, control.

Be flexible in your approach and in the techniques used. When determining your course of action, remember that as a rule, a reluctant or hostile person will not give up information to an investigator he doesn't like or respect.

USING AN INTERPRETER IN INTERVIEWING

When you use an Interpreter in interviewing, it is important that this person be fluent in the exact dialect spoken by the subject. Mere foreign language training in school is usually not enough. It is also unsatisfactory to use a person who has a poor command of English. The interpreter must know your language well enough to understand exactly what you wish to convey. He or she must have sufficient vocabulary and knowledge of sentence structure in both languages to make an accurate translation. He or she must be able to reflect the attitude and manner of expression as well as the information itself.

The interpreter must accept the subordinate role in the interview. He or she must remain passive, translating only what is said by both parties, without clarifying or explaining questions and answers. The interpreter should have a positive reputation in the community, be honest, and free from any involvement in criminal activities.

The interpreter may be seated beside you or between and to the side of the parties. The interpreter will only need to turn his head when addressing either you or the subject. Do not allow the interpreter to move around or distract the subject as this may harm the interview process. Continue to watch the subject while the interpreter is talking; it is imperative to observe the subject's actions and reactions before, during, and after the translation of the question.

In advance, prepare clear, concise, simply-stated, and anger-free questions. Lengthy or complex questions are more difficult to translate and should be avoided when possible.

< Brief the interpreter prior to the interview and away from the subject. Advise of the methods and procedures you plan to follow.

< The interpreter shall merely act as a vehicle for accurately interpreting and passing the information back and forth between you and the subject.

< The interpreter shall imitate your voice inflection and gestures as much as possible.

< There shall be no conversation between the interpreter and the subject other than what you tell the interpreter to say.

< No matter what the subject says, the interpreter must pass it on to you verbatim rather than evaluate its worth himself. This includes even the most trivial remarks or exclamations.

< The answer the interpreter gives you must be an exact translation of what the subject has said. If the answer is unclear, you shall then ask, through the interpreter, for a clarification. The interpreter shall not, on his own initiative, attempt to explain responses or ask the subject to elaborate.

< The interpreter shall refrain from using "add-on" phrases such as "he says...", "he claims...", or "I believe he is lying." If the interpreter's opinion is desired, based upon his/her knowledge of the subject's culture, value system, and body language, that opinion should be requested in private after the conclusion of the interview.

< As the interviewing agent, you shall address the subject while looking directly at him rather than at the interpreter. Continue making eye contact with the interviewee while asking the question slowly, clearly, and in plain English. Even if the subject has some knowledge of English, or you of the subject's native language, you shall use the interpreter

for all questions and answers once the decision has been made to use an interpreter. This consistency will help avoid misunderstandings and avoid confusion as to whom the subject should answer.

In spite of the difficulties involved in using an interpreter, very successful interviews can be conducted, provided they are well-planned and controlled. If possible, you may wish to record the interview for more accurate documentafion and as a checking mechanism for the interpreter.

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