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Interrogation 2.0

Advice and strategies for uncovering the truth

by Keith W. Strandberg

You could argue that the foundation of law enforcement isn't arresting or apprehending—it isn't even investigating.

It's talking to people and determining the truth of any given situation.

Officers might go their entire careers without discharging their

firearm, but no law enforcement officer on the job can go a single day without talking to people. Distilled to its essence, dealing with people is the nature of the job.

The need for skill

Given the importance of connecting with people, it's vital that police

officers develop a knack for it.

"The ability to interview and interrogate is a crucial skill," says Wesley Clark, president of LIES LLC (Linguistic Interrogation Expert Services). "It sets the foundation for your investigation. Every investigation starts with an interview—witness, complainant or suspect. If you get that wrong, it can skew your entire investigation and send it into the wrong direction. Getting a truthful statement is crucial.

"In the academy, you get some basic skill level, but you don't have to have any additional training," he adds. "For most departments, the average is about one to four hours in the police

academy, which is not nearly enough."

Sure, there are those who just naturally get along and connect with people, but being a good interviewer is a skill that can, and should, be learned.

Different approaches, same goal

The Reid Technique? Cognitive interviewing? Non-confrontation interview and interrogation? There are a number of approaches to the interview/interrogation process, but the goal for all of them is the same: find the truth.

"The psychology behind interviewing is completely different, depending on who you are talking to," says Clark. "When you are dealing with a victim or a witness, the stress associated with that impacts their memory, and how do you extract that information? When you are a victim and you just had your life threatened, and you are talking to a stranger in a police interview, there are basic psychological barriers to overcome ... and there are way more things to battle and get through.

"When you get to suspects, there is also a lot to overcome," he continues. "A lot of people want to tell the truth, but they don't know how, and having the skills to get them to tell the truth is vital."

Often, officers learn to interview and interrogate on the job, watching more experienced officers talk to people. "I was a detective for many years, working narcotics, and I learned the most from the best detectives," says Richard Lichten, a retired lieutenant who is now a law enforcement expert consultant. "They taught me that if you treat people with respect and don't lie to them, more often than not they will talk to you. I was shocked as a detective how many people waived their rights and answered all their questions and completely cooperated. So much has to do with how you treat people in the interview process."

Non-confrontational

Dave Zulawski, senior partner at Wicklander-Zulawski & Associates,

began his career with Reid & Associates, and after a time decided to form another company with his partner Doug Wicklander, focusing on the private sector. "The confrontational approach doesn't work in the business world," Zulawski admits. "What the confrontational approach did was force someone to take a position, and then they have to change their position and admit they lied.

"We use what we call an introductory statement, delivered as a monologue by the interviewer, stating who we are and what we do... the types of

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incidents we investigate and how we do it," he says. "If you say these things to an innocent person, they are fascinated by it. If you say it to someone who has done something wrong, they say, 'Oh, my God, he knows.' They have come to the conclusion that they are caught."

The most likely reason people confess is that they think they are caught, according to Wicklander. "Next, they want to put a positive spin on it ('she came at me first,' etc.) and finally they confess to relieve guilt. The first part of the introductory statement is to have guilty people conclude they are caught;



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the second offers rationalization that handles the next two reasons why they confess. The whole piece effectively revolves around why people confess. It doesn't seem to make a difference whether we are talking to gang members, convicted criminals, executives or minimum wage employees. If you push against someone, you get resistance."

Cognitive interviewing

Some officers favor a different style of interviewing that lets the subjects do most of the talking and facilitates the process of memory. "We teach cognitive interviewing, which is very research based," says Clark. "It's been used in the U.S., Canada and Europe. It's a technique that draws out memory without influencing it. Memory is very fluid, and how you ask questions can really help. The first thing is that you set the basic foundation—getting them comfortable and setting a baseline. Then you ask a

simple open-ended question. It's 'tell me what happened' instead of 'where were you?', and we let them talk. Then you can go back and ask for details. Often, we ask them to repeat it in reverse order. When people witnesses a crime, they see it like a movie. We ask them to close their eyes and freeze the image; then ask them to describe it in detail. This way, we get a lot more visual descriptions. Then, you review it with them to make sure you have it accurately. Even during that process they think about

what they told you and they amend it. Many people think this is changing their story, but the opposite is true. Someone who changes to make things more accurate is more likely to be truthful. If you do this wrong, however, by asking a leading question, you can insert things into the memory."

Clark says the Reid technique has been very popular for 50 years or more. "I think that if you make something confrontational, you are making it more difficult. If they didn't do it, they

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— Wesley Clark, president of LIES LLC

get nervous and anxious, and that can come off as not being truthful. We never have 100 percent knowledge of guilt, so if you confront them and you are wrong, you might cause behavior that looks deceptive. You get so committed to your own beliefs and your goal is to get them to confess, so you can lose objectivity."

The Reid Technique

For many years, the Reid Technique has been the gold standard for interviewing and interrogating. Joseph P. Buckley is the president of John E. Reid and Associates, and he says that the Reid Technique is a three-phase approach: factual analysis, non-accusatory interview and then the interrogation.

"In the interview you are trying to develop investigative and behavioral information," Buckley details. "In any investigation, you might interview dozens of people, but you might never

interrogate anyone. The interrogation is reserved for the people you are reasonably sure are guilty.

Buckley says the interrogation begins with an accusation of guilt. "It's confrontational to one degree or another. It could be direct or indirect, but you are sending the message that they know more than they are telling you. We don't ask questions. It's a monologue where the interrogator does all of the talking. During this monologue, we attempt to give the subject some kind of psychological justification for doing the crime."

The Reid Technique has been accused of fostering false confessions, but Buckley feels this is inaccurate. "They don't understand the Reid Technique," he says. "The false confession experts should know better. They know what we teach and they know that we don't false promise and threaten."

The need for training

No matter what approach you decide to take, training is a vital part of getting better at it. "It's hard to tell what percentage of officers have been trained," says Zulawski. "The vast majority of officers get trained when they move into an investigative position. The biggest part of an officer's job is talking with people, yet when I went through the academy, we went through less than an hour of training in interviewing.

"If I was a chief, and I was looking for a return on investment on my training dollars, I would put it into interview technique training, because that's what officers do all day long," he says. "Officers are going to talk with someone every single day of their career. The more effective they are at interviewing, they more effective they will be at their job."

A skill like interviewing can be developed naturally, but is certainly

sped up by training. “You want officers to be competent on firearms, so we need the mandatory training. But they also need training on interviewing,” says Clark. “It only improves their ability to get to the truth. If you do an

inappropriate interview or get a false confession or lock up the wrong person, they lose their lives, too. It’s a really important skill. I wish they would put in mandatory training.”

Buckley agrees. Receiving training

after seeing how things work in the real world can be extra beneficial. “In the academy, they are covering so many subjects. I do think that once an officer has been in the field, training in this is more effective because you can relate to the information,” he says.

Critically reviewing interviews and interrogations after the fact, a debrief if you will, could also have a big impact. “I think it would be

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helpful if, after a case is over, an officer’s superiors critique the way it went down,” says consultant Lichten. “That way, you can see what works and what they expect. Officers have basic training, but effectiveness comes from experience and additional training.”

Stripped of everything, the goal of an interview or an interrogation, no matter if it’s a suspect, a witness or a victim, is to determine the truth. And officers who are well trained have a better chance of getting to that truth. ■

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