

Investigative Interviews



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Post-Test Interview

We are here because you need to interview someone that has failed the EyeDetect test.

*There is an **increased probability** the person is **guilty** after failing the test.*

Deception



Deception

When you deliberately attempt to get someone to believe something you think is not true.

- May be successful or unsuccessful
- May be true or false
- Involves a sender and target
- Limited to human interactions
- Lying is strategic and seeks a gain or advantage
- Lying is deliberate, not an accident

How do people lie?

- **Passive Lying/Evasion**
 - Offer **no details** of interest
 - Less mental effort
 - The less said, the less to verify/refute
 - Less inner pressure - less risk of displaying stress non-verbal behavior



How do people lie?

Passive Lying/Evasion

- Superficial account, missing details, significant gaps and jumps in time, implausible details, side-stepping.
- Question with a question - “Why would I know who shot the dude?”
- Changes topic with answer - diversion
- Referring you to someone else - “Go ask Mike about that?”
- You must drag the answer out of them piece by piece.
- Deer in the headlight look after a probing question followed by short answer then silence.

How do people lie?

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Non-specific and vague details (instead of zero details)

- Some details, but less mental effort.
- Listeners make assumptions, jump to incorrect conclusions.
- Less inner pressure/risk to feel or display stressful behavior

Similar cues to passive lying

- Vague account with little detail.
- Significant gaps and jumps in time.
- Seems well rehearsed, repeated same way exactly.
- You must drag the answer out.
- Vague answers to probing questions.



How do people lie?

Active lying (most difficult form)

- Presenting real lies is high risk.
 - Takes considerable mental effort (cognitive load).
 - Induces inner pressure / possible non-verbal behavior signs.
-



How do people lie?

Anomalies

- Thin story
- Story (account) memorized
- Inconsistent details leaked in **narrative**
- Inconsistencies and contradictions
- Lack of affect
- Few **illustrators** (hand movements)
- Lack of time and space context detail
- Inconsistency between the account and the evidence



- **Motivation** - most people will be motivated to plan for lying
- **Create a script** - most people can handle this aspect
 - Must anticipate questions
 - Sufficient detail
 - May be created from a different incident

Challenges to effective lying

Challenges to effective lying

Withstanding probes can be difficult

- May have to think quickly and improvise
- Cognitive loads get extreme—working memory limits
- Unanticipated question strategy

Avoiding contradictions can be tough

- Inconsistency between account / evidence
- Content complexity can get high
- Keeping truths and lies separate
- Working memory and cognitive overload

Behaviors of Lying

- Lie signs **WARNING**
- Some pop psychology texts offer descriptions of behavioral lie-signs.
- Institutions and others have invested considerable sums of time, effort and money.



Behaviors of lying

These pop psychology techniques claim to differentiate truth from deception using...

Non-verbal behavior - changes in vocal behavior, eye movement, direction of gaze and facial movements.

Verbal behavior - both spoken and written use of language emphasizing semantics, verb forms, and qualifiers.



Objective and subjective cues

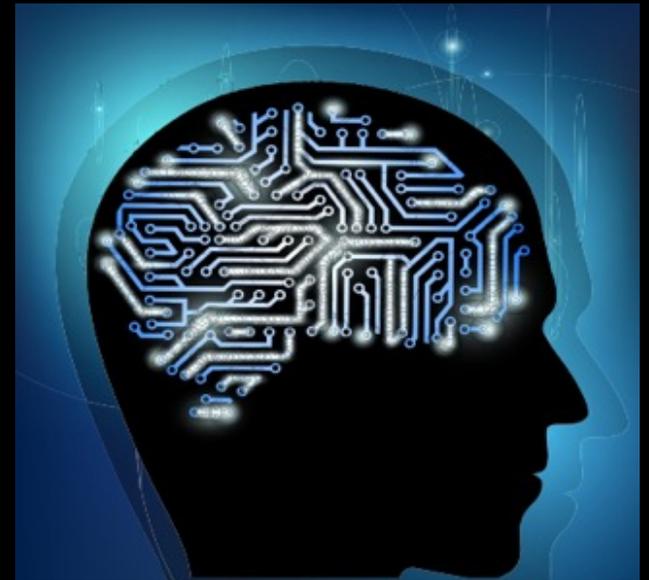
- Evidence for human unassisted lie detection-based findings is unsupported.
- You can make lists of **objective** cues (physical or actual) and **subjective** cues (what you think it is).
- This may surprise some and ruffle some feathers because these formal courses are not scientifically validated.



Empirical support lacking for lie signs

- Stress
- Strong emotion
- Embarrassment
- Cognitive effort
- Behavioral conditioning

• Source: VRIJ, 2008



- Objective, empirical research is lacking on typical lie signs.
- **There is no such thing as categorical lie behavior.**
- Non-verbal behaviors are actually manifestations of arousal such as...

Empirical support lacking for lie signs

- Verbal behaviors considered *lie indicators* are used every day in truthful conversation.
- Evidence of deception is best revealed in the **content** of disclosure during interviews.
- *We want examinees to talk!*



Source: Vrij, 2008



Liar's non-verbal behavior

- Reviewed 132 studies published in English
- **Verbal cues**
 - Speech errors and hesitation, pitch, rate, latencies and pause duration & frequencies
- **Visual cues**
 - gaze, smile, self-adapters, illustrators, hand/finger moves, leg/foot, trunk, head, shift, blink

Source: Vrij, 2007 review of studies

Liar's non-verbal behavior



- DePaulo et al. meta-analysis of 116 studies (2003)
- Cohen's d 's of .20=small, .50=medium, .80=large (Cohen, 1977)
- Negative = shown less by liar, positive = more often
- **Vrij's results suggest no Pinocchio's nose**
 - Trend for higher pitched voice ($d=.21$) but only detected by sophisticated equipment
 - Trend for similar length pauses ($d=.01$)
 - Trend for fewer illustrators ($d= -.14$)
 - Trend for less hand and finger movement ($d = -.36$)

Addt'l findings – non-verbal behavior

- | | |
|---------------------------|---------|
| • Pupil dilation | d= .39 |
| • Discrepant / ambivalent | d= .34 |
| • Verbal uncertainty | d= .30 |
| • Nervous or tense | d= .27 |
| • Vocal tension | d= .26 |
| • Chin raised | d= .25 |
| • Word repetition | d= .21 |
| • Lip pressing | d= .16 |
| • Facial pleasantness | d= -.12 |
- *Many of these are subjective and the effect sizes are small.*
 - *d's of .20=small, .50=medium, .80=large (Cohen, 1977)*

Meta-analysis on ability to detect deception

Judgements made by almost 25,000 observers

Average accuracy was 54% (aka. flip a coin)

Two possible explanations

- Objective cues weak – ex: small diff. high pitch voice
- Subjective cues wrong – ex: gaze aversion not a good cue

Training doesn't seem to improve performance

SOURCE: BOND & DEPAULO (2006)

Human lie catcher

- Vrij (2008) - 31 studies - unassisted professional lie catcher's ability to detect deception.
- Data collected primarily from law enforcement; some were from immigration personnel who did entry interviews.
- 56.3% accuracy recognizing truthful statements,
- 56.1% accuracy recognizing deceptive statements
- Overall average accuracy of 55.9%.

A black and white photograph of three white dice on a reflective surface. The dice are scattered, with one in the foreground showing a one and a two, another in the middle showing a one and a six, and a third in the background showing a five and a six. The surface they are on is highly reflective, creating clear mirror images of the dice.

Chance is 50%

Non-verbal behavior during deception

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Two studies examined changing risks vis-à-vis detection.

- When risk increases, do behaviors change?
- Is manipulating the risk of getting caught related in criminal and terrorist activities?
- Risk increases when the deceiver is more likely to get caught



Non-verbal behavior during deception

- Results generally indicated pattern of hand movement reduction by deceivers: hand self-holding.
- Participants in higher risk conditions
 - Deceivers perceived to have increased negativity
 - Deceivers perceived to be more tense

SOURCE: ZHANG ET AL. (2013)

Study - Liar's verbal behavior

- ***Vrij reviewed 69 studies of adult verbal behavior***
 - Negative statements – denials and disparaging remarks
 - Generalizing terms – always, never, nobody, everyone
 - Self-references – I, we, me
 - Immediacy – response is direct, relevant and clear as opposed to indirect, distancing or evasive
 - Response length – # of words spoken
 - Plausibility – makes sense, credible and reasonable
 - Lexical diversity – # of different words/# total words
 - Consistency – inter and intra reporter
 - Contradictions – within or between two statements



SOURCE: VRIJ, 2007

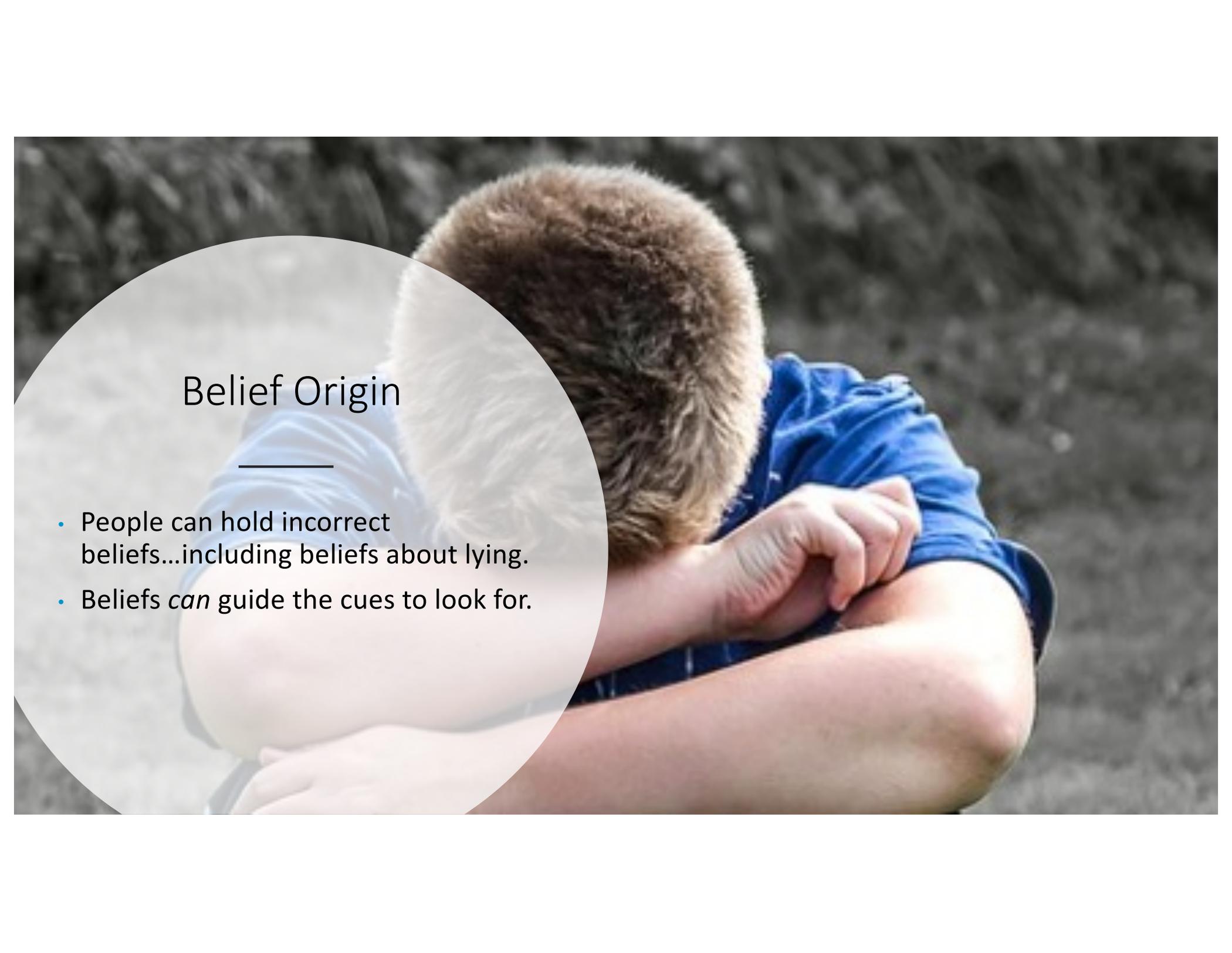
Findings - Liar's verbal behavior



- Liars tend to :
 - Use negative statements $d = .21$
 - Generalize items $d = .10$
 - Use self-references $d = -.03$
 - Lower plausibility $d = -.23$
 - Immediacy $d = -.55^*$

* Note: most findings for immediacy were reported by one group and other researchers were unable to replicate those findings.

SOURCE: VRIJ, 2007



Belief Origin

- People can hold incorrect beliefs...including beliefs about lying.
- Beliefs *can* guide the cues to look for.

Belief Origin

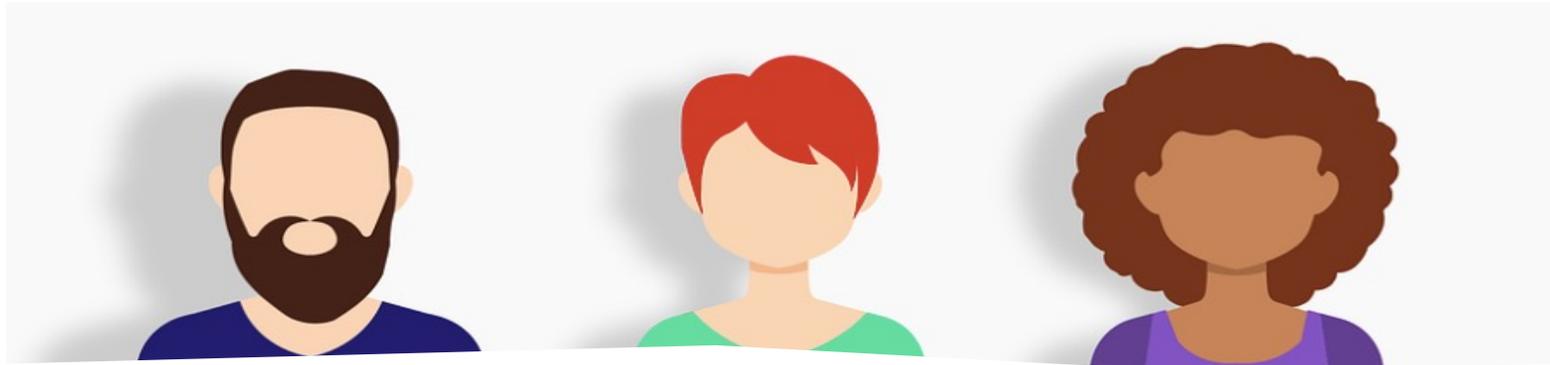
Sources of incorrect beliefs

- Family, culture, religious, etc.
- Exposure to media (or training) promoting incorrect ideas. This includes police interrogation and interviewing.

Example – Lying is bad

- Lying is immoral and causes shame.
- Shame causes gaze aversion, nervousness, high pitch, fidgeting
- But nervous behavior can result from accusing an innocent person of wrongdoing (stressed)

Sources of belief cues



- **Belief perseverance**

- Disregard that which disconfirms your beliefs
- A lying person with gaze aversion confesses and you forget about it.

- **Poor feedback**

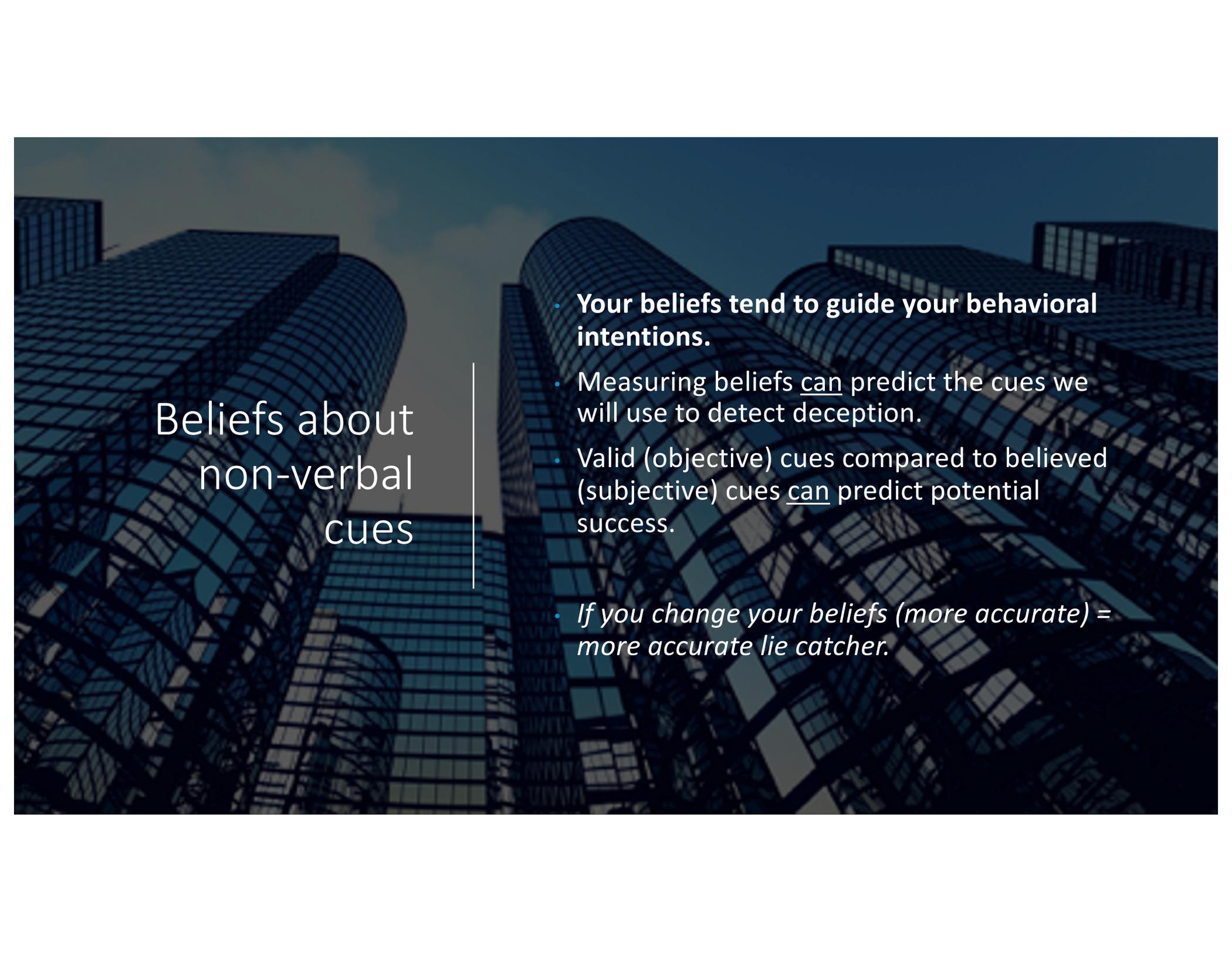
- To be effective, feedback must be frequent, reliable, and immediate.

- **False perception correlations**

- People perceive illusory supporting evidence once they have established a belief the interviewee is lying.

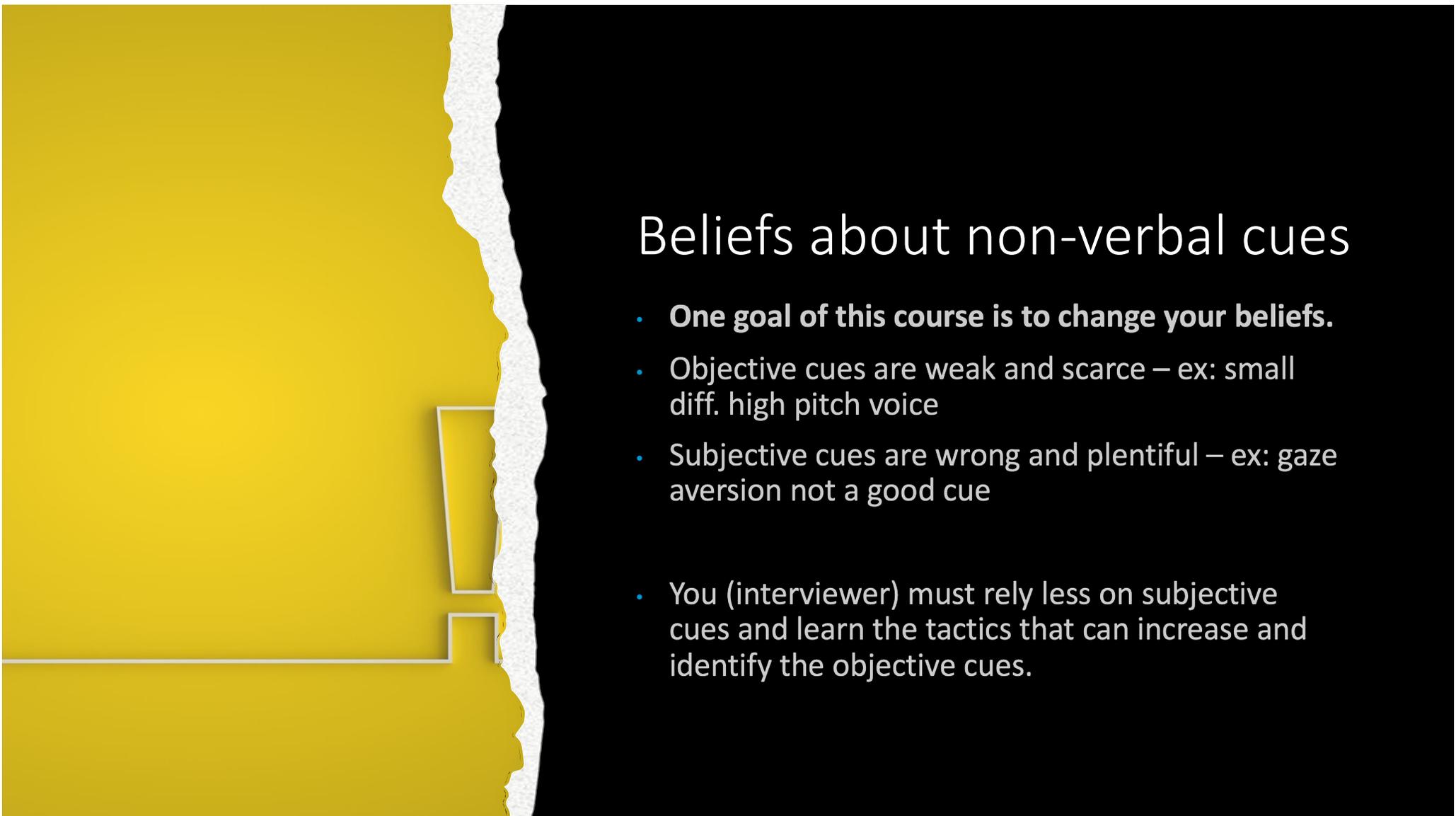
- **Confirmation bias**

- People tend to seek evidence to support rather than disconfirm beliefs.



Beliefs about non-verbal cues

- **Your beliefs tend to guide your behavioral intentions.**
- Measuring beliefs can predict the cues we will use to detect deception.
- Valid (objective) cues compared to believed (subjective) cues can predict potential success.
- *If you change your beliefs (more accurate) = more accurate lie catcher.*



Beliefs about non-verbal cues

- **One goal of this course is to change your beliefs.**
- Objective cues are weak and scarce – ex: small diff. high pitch voice
- Subjective cues are wrong and plentiful – ex: gaze aversion not a good cue
- You (interviewer) must rely less on subjective cues and learn the tactics that can increase and identify the objective cues.



Relying on visual cues is not a good strategy.

During Interviews: Physical Behavior (visual cues)

- **Decreases in Liars**
 - Illustrators
 - Hand & finger movement
 - Leg & foot movement
- **No Change in Liars**
 - Gaze aversion
 - Smiling
 - Self-adapter
 - Trunk movement
 - Head movement
 - Body position shift
 - Blink rate

During Interviews: How things are said (vocal cues)



Increase in Liars

- Higher Pitch Voice
- Latency Period
- Pause Duration

No Change in Liars

- Hesitation
- Speech Errors
- Speech Rate
- Pause Frequency

Relying on vocal cues is not a good strategy.

SOURCE: VRIJ 2008

During Interviews: What is Said (verbal cues)

- **Decreases in Liars**

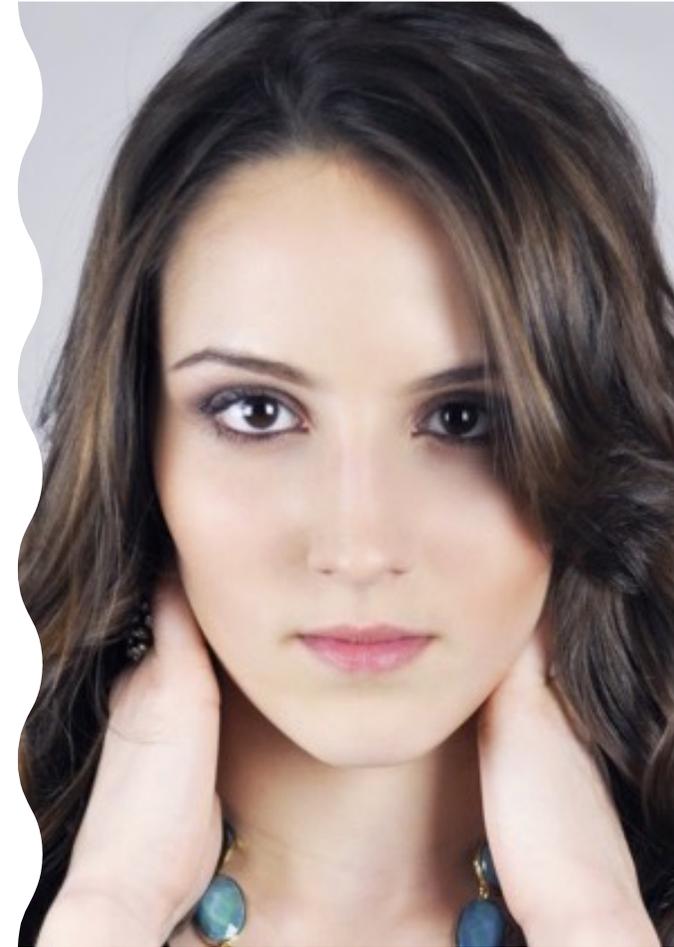
- Self-reference
- Response Length
- Plausibility

- **Increase in Liars**

- Negative statements
- Generalizing
- Immediacy

- **No Change in Liars**

- Self-references
- Consistencies
- Contradictions



Relying on verbal cues is a better strategy.



Gaze Aversion

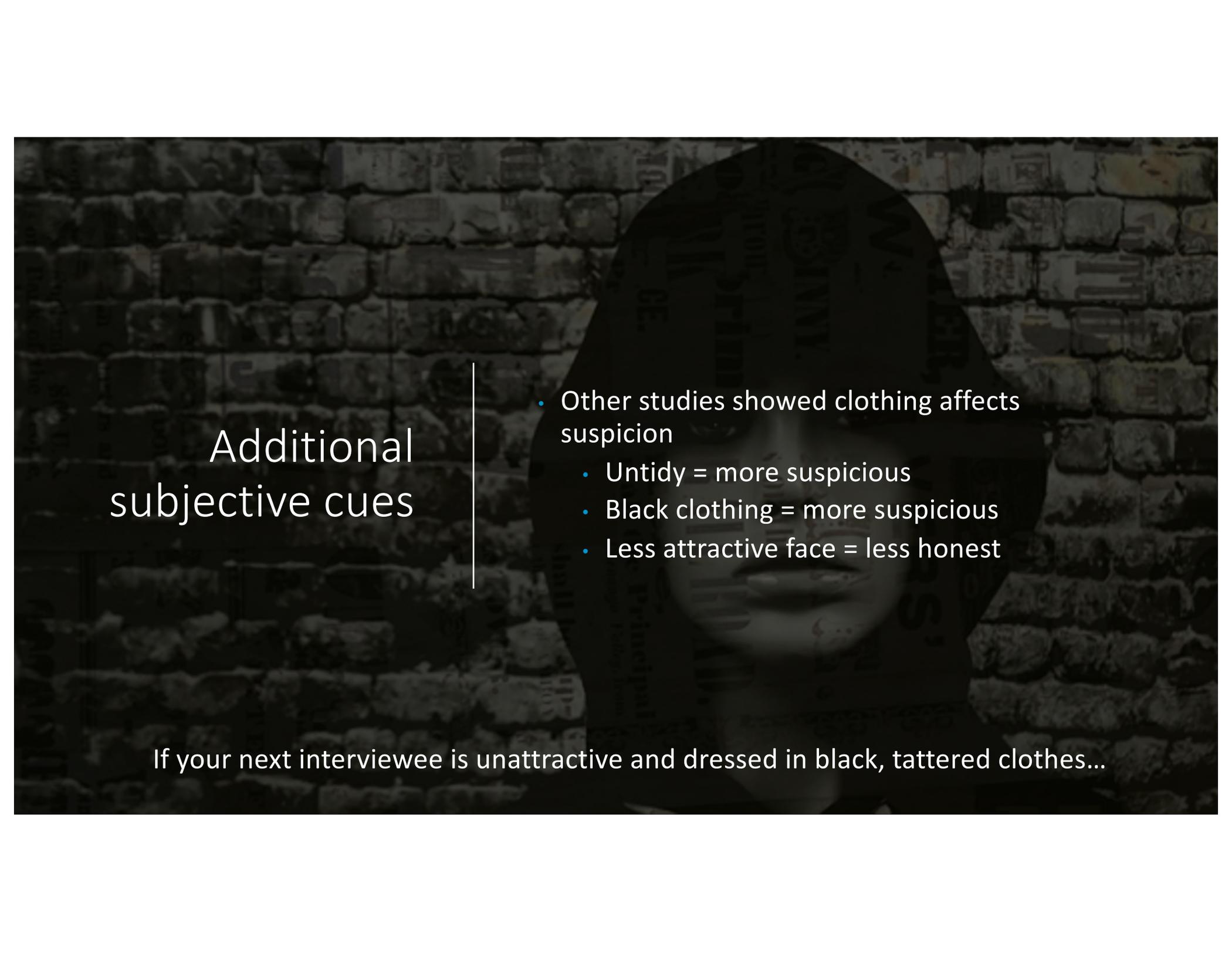
I have known a vast quantity of nonsense talked about bad men not looking you in the face. Don't trust that conventional idea. Dishonesty will stare honesty out of countenance, any day in the week, if there is anything to be got by it.

-Charles Dickens, novelist (1812-1870)



Additional subjective cues

Other research shows people associate signs of nervousness with deception.



Additional subjective cues

- Other studies showed clothing affects suspicion
 - Untidy = more suspicious
 - Black clothing = more suspicious
 - Less attractive face = less honest

If your next interviewee is unattractive and dressed in black, tattered clothes...

She hasn't got a chance!

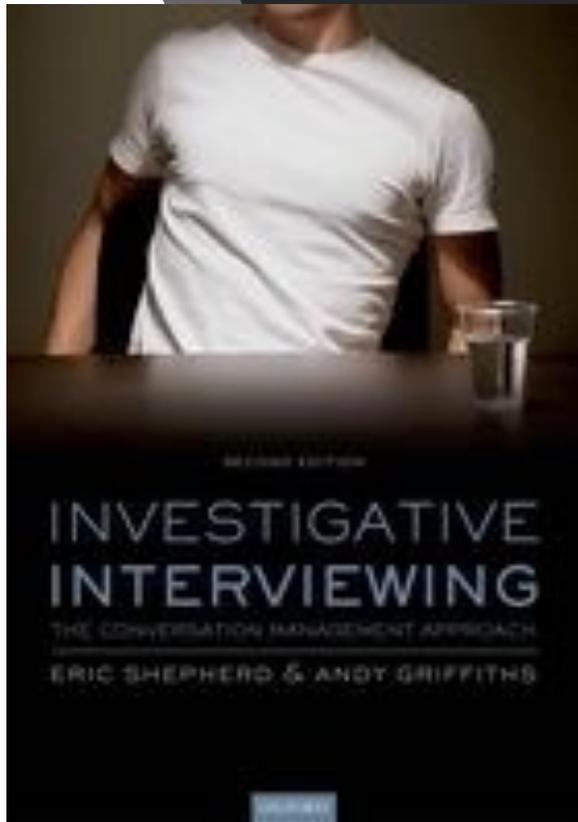


Post-Test Interview

Interrogate or Interview



“Investigative Interviewing”



- by Professor Eric Shepherd & Dr. Andy Griffiths
- Many ideas presented today and other related textbooks.
- Thanks to the authors for letting us share their ideas.
- Recommended for those looking to improve investigative interviewing skills.

Interview Misconceptions

We interview, they cooperate.

We ask what they know, they will tell us.

Anyone can do it.

It's easy.

The newbies have to do it.

Interrogation Myths

Interrogations follow these rules

- Get person to speak on unrelated matters
 - establish a speech “pattern”
 - Pattern of what? Truths, lies, nervousness?
- Question person about the issue
 - Look for changes. Changes in ‘what’?
- If person resists, use a confirmatory (yes/no) approach.

Interrogation Myths



- Accuse the person of lying.
- If the person resists, use persuasive conversation.
- Get person to admit something and they will become compliant.
- Follow the checklist and the person will confess.
- If the person doesn't confess, YOU did it wrong.

Interrogation Problems

- Rigid agenda
- Suggestive questioning
- Over-talking
- Interrupting
- Increased pressure leads to frustration
- Frustration leads to...

Interrogation Problems

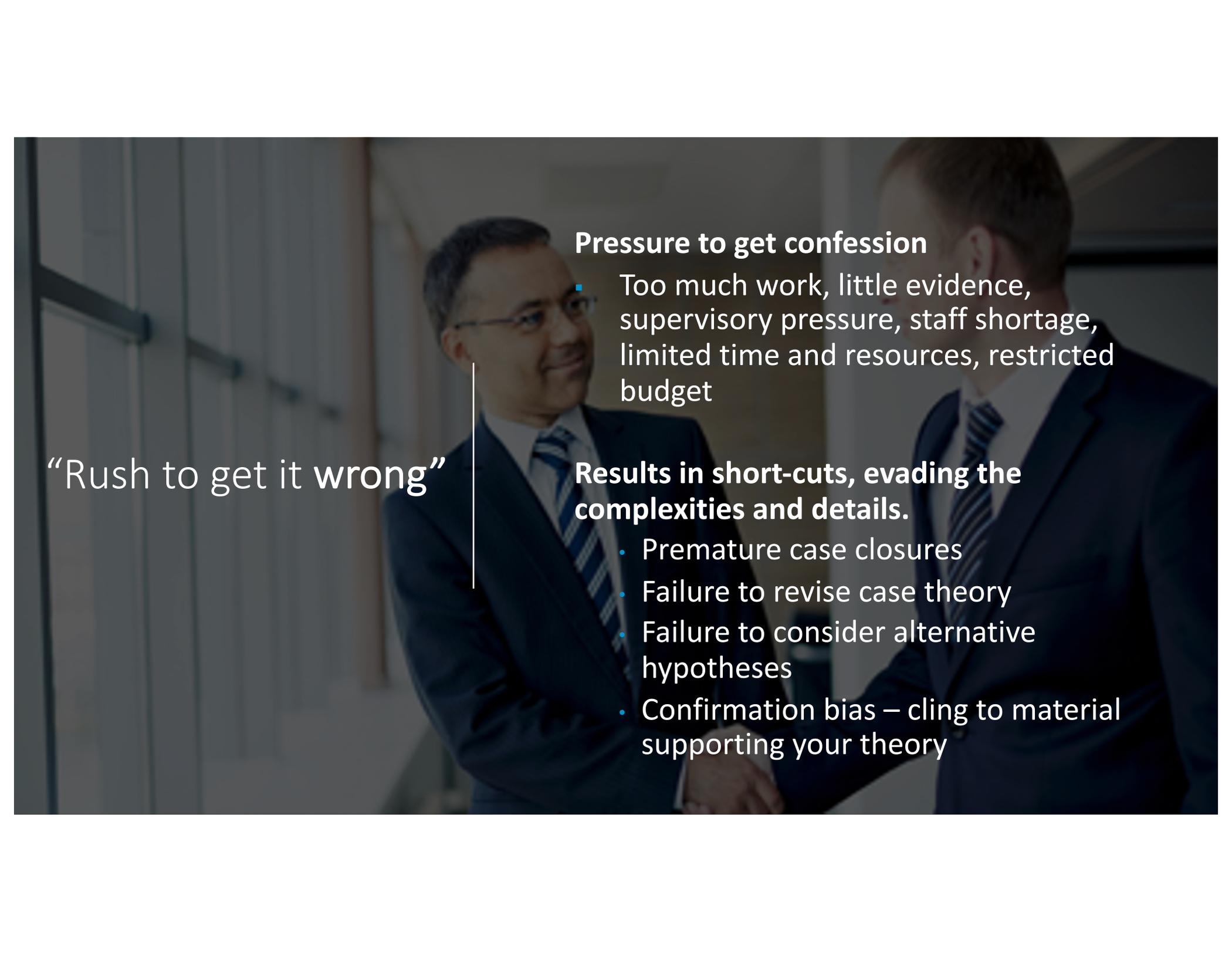
Frustration leads to increases in counter-productive behavior.

Person goes silent.

Interviewer gets angry, demeaning, raise voice.

Person gets quieter.

Interviewer gets more frustrated.

A photograph of two men in business suits shaking hands in a meeting room. The man on the left is wearing glasses and a blue tie, while the man on the right is wearing a striped tie. They are both smiling. The background shows a whiteboard and a window.

“Rush to get it wrong”

Pressure to get confession

- Too much work, little evidence, supervisory pressure, staff shortage, limited time and resources, restricted budget

Results in short-cuts, evading the complexities and details.

- Premature case closures
- Failure to revise case theory
- Failure to consider alternative hypotheses
- Confirmation bias – cling to material supporting your theory

More Interrogation Problems

- Some training reinforces invalid deception cues (cues of stress)
- Invalid cues become **prominent** and **accessible**.
- Gives false sense of confidence.
- Leads to increase in number, strength and force of tactics.
- Increases stress which increases invalid cues.

More Interrogation Problems



- Remember if the person is not talking, the interviewer is not learning.
- How do you get the person to talk?

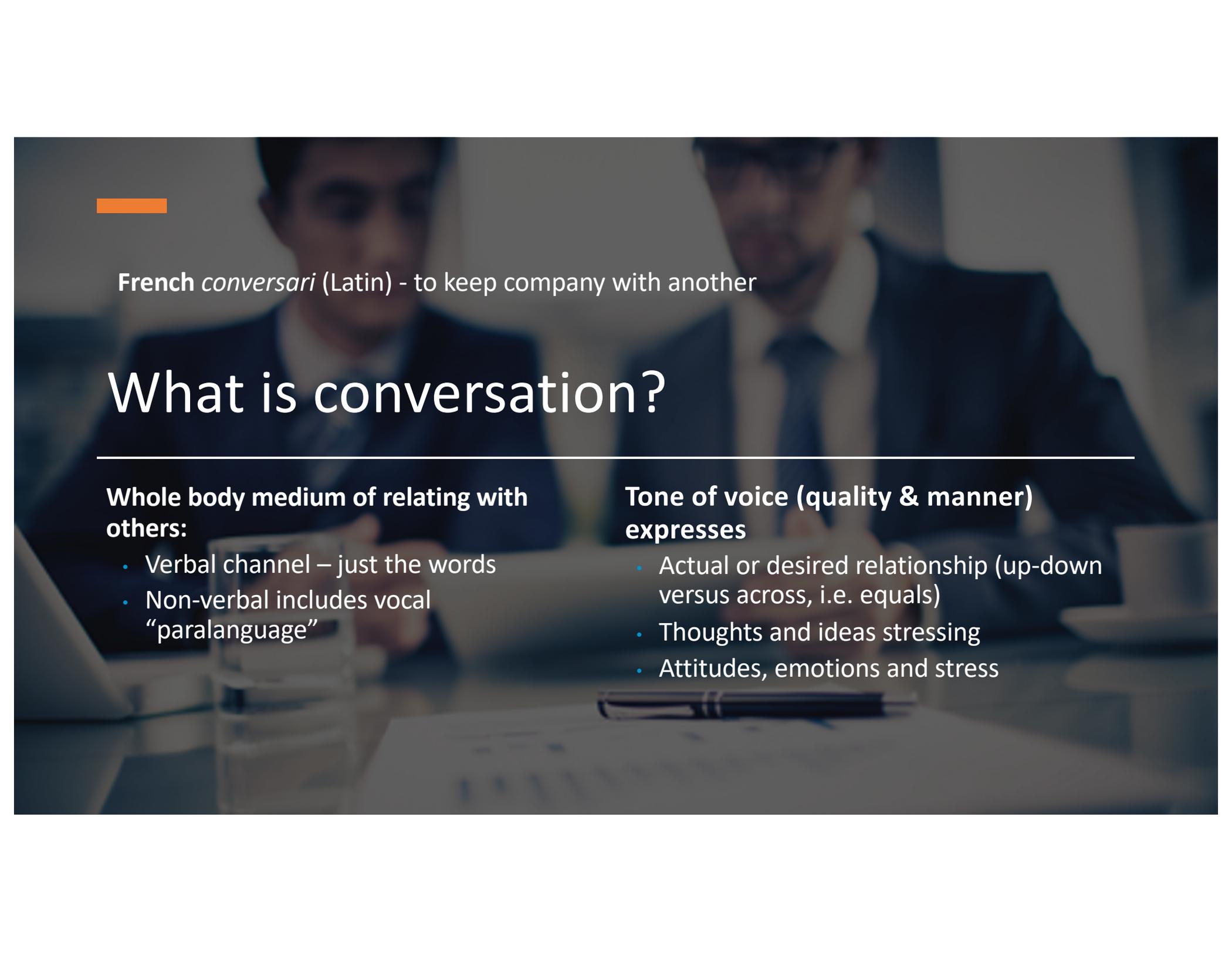
Conversation basics

Conversation basics

Important discussion points

- Multiple channels of conversation
- Conversation rules - how it works
- Managing difficult conversations
- How to manage conversations





French *conversari* (Latin) - to keep company with another

What is conversation?

Whole body medium of relating with others:

- Verbal channel – just the words
- Non-verbal includes vocal “paralanguage”

Tone of voice (quality & manner) expresses

- Actual or desired relationship (up-down versus across, i.e. equals)
- Thoughts and ideas stressing
- Attitudes, emotions and stress

How Conversation Works

Rule-bound

- Co-operate with one another
- Be responsive
- Once started, continue until proper close
- Close / depart courteously

Dynamics

- Turn taking - remember reciprocity later
- Talking time - not always equal
- Topic selection and progression

- **This is where you must excel.**

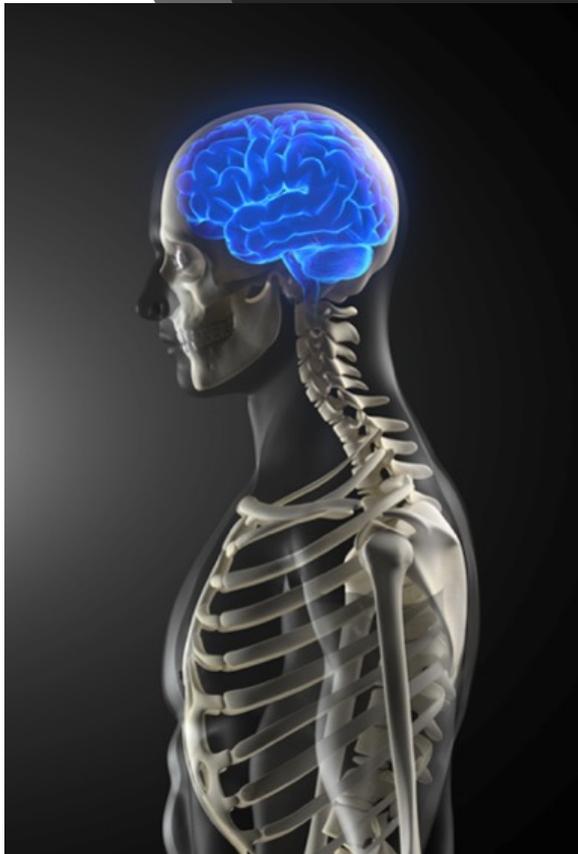




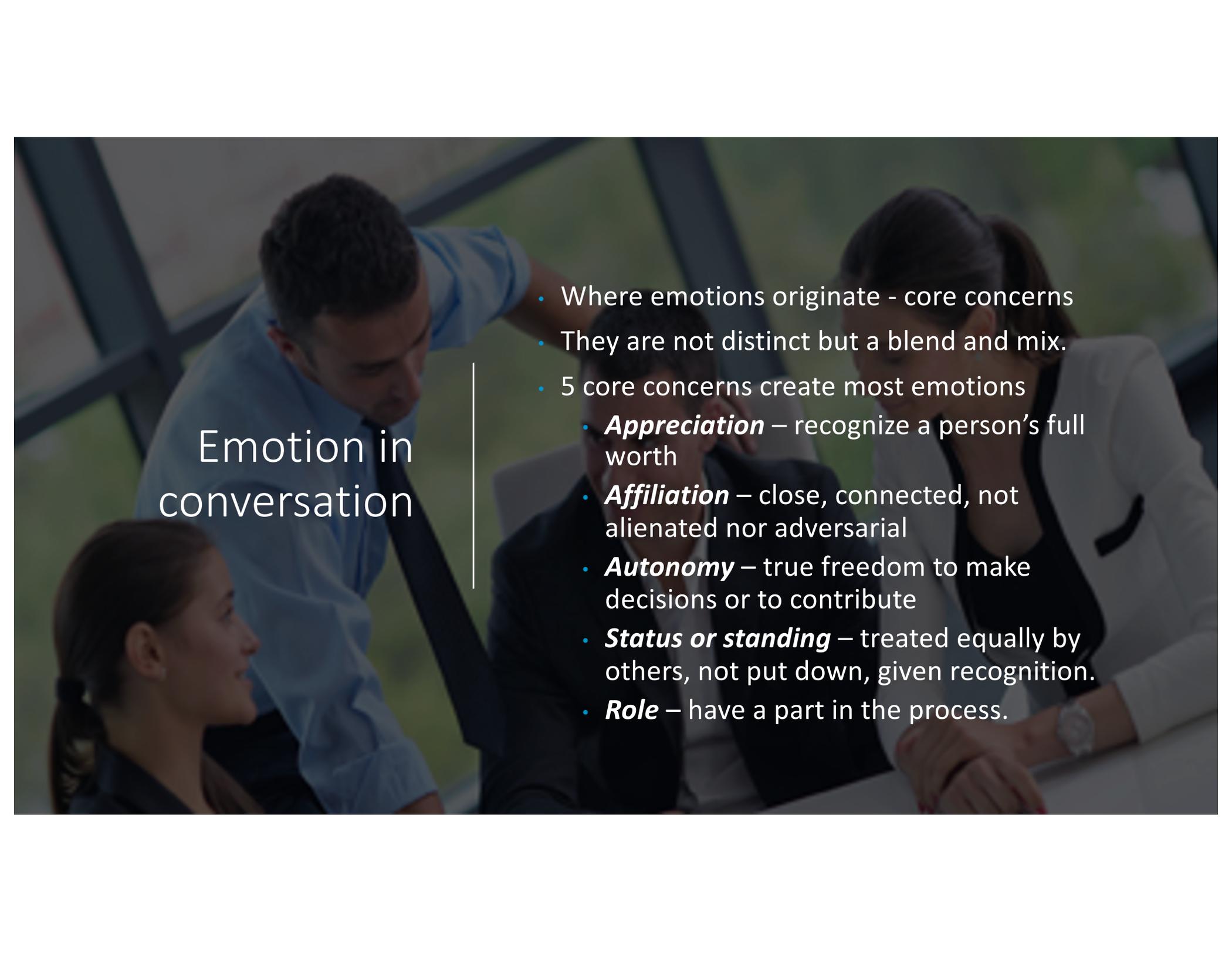
Conversation goals

- People converse to achieve goals
 - Ex: simple greeting signals recognition or acknowledgement of another
- Many convo's are practical - **to get info**
- It is often inherently anxiety-provoking
 - Course, content & direction may be unpredictable
 - Control reduces unpredictability
 - Other person draws conclusions from your behavior, affecting their participation and behavior

Emotion in the conversation



- Emotions exist in an interview: yours and theirs
- Typical recommendations (that don't work):
 - STOP having emotional responses—you can't turn them off
 - Ignore them – probably not possible.
 - Neurobiological realism is they will affect your thinking and behavior.
 - Dealing with your emotions is a daunting task.
 - Dealing with another's is untenable.
- **What can you do?**



Emotion in conversation

- Where emotions originate - core concerns
- They are not distinct but a blend and mix.
- 5 core concerns create most emotions
 - **Appreciation** – recognize a person’s full worth
 - **Affiliation** – close, connected, not alienated nor adversarial
 - **Autonomy** – true freedom to make decisions or to contribute
 - **Status or standing** – treated equally by others, not put down, given recognition.
 - **Role** – have a part in the process.

Core Concern Perceptions

Core Concern	The Concern is met when...	The Concern is ignored when...
Appreciation	You perceive your position, thoughts, feelings, words are acknowledged as having value. Your contribution matters!	Your thoughts, actions, feelings, words don't matter. You feel devalued.
Affiliation	You are treated as a colleague or collaborator.	You are treated as an adversary, kept in the dark, mistrusted.
Autonomy	You are given freedom to contribute or make decisions.	Your actions are controlled. Your freedom to choose is infringed
.Status	You feel you are given appropriate recognition. Treated as an equal.	You are treated as inferior.
Role	You have a part in the process, you feel a sense of fulfillment.	Your role is not fulfilling.

Conversation killers

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Dominant talk

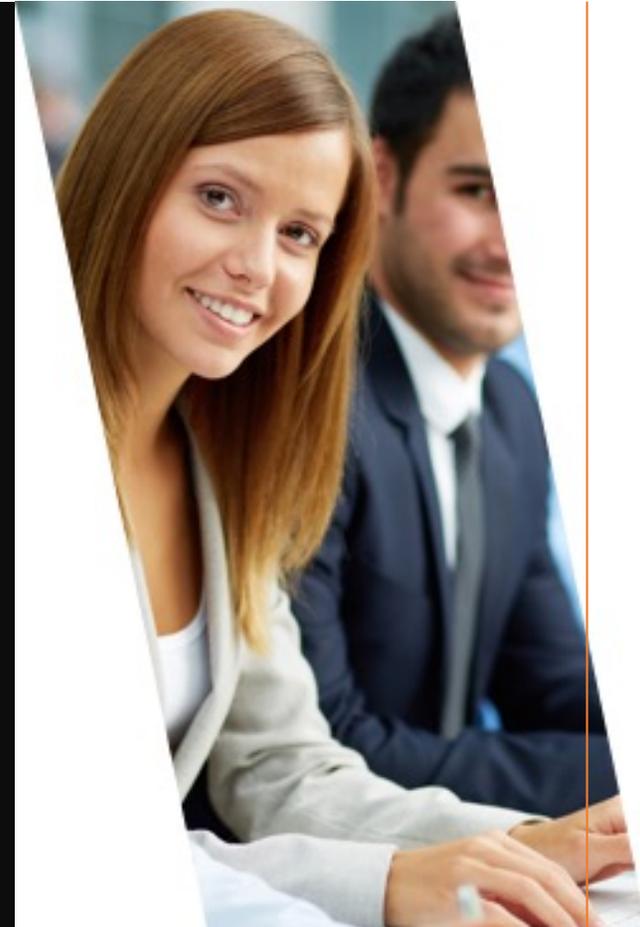
- Interviewee won't feel like an equal.
- Interviewer does most of the talking.
- Interviewer follows an agenda or checklist.

Limit other person's ability to contribute (a role)

- Make unproven assertions - "You have met with organized crime members."
- Rhetorical questions - "How did you get involved in this?" before admission is made
- Asking constraining Q's - "You met with them, right?"
- Not giving time to think (filling the pause) - ask a question, signal switch of talking turn, fill pause before answer

More Alienating Behaviors

- **Disruptive talk** (interviewer does it)
 - You won't learn anything while talking.
 - Interruptions breaks up mental and verbal flow.
 - Rapid topic changing.
- **Disruptive listening** (interviewer does it)
 - Not paying attention - how do you feel when this happens
 - Assuming – hear what you want to hear.
 - Confirmation bias through 'word picking' or statement picking
- **Abrupt closing**
 - Thoughtful "That was helpful, I appreciate your efforts."
 - Thoughtless "We'll be in touch if I need you."



Fostering Conversation

It's not just what you say, but also what you do.

- Sincere interested attitude
- Inviting posture - attentive lean, eye contact
- Conversation-provoking behaviors
 - Nods, uh huh's
- Guiding the conversation in a concerned manner.



Interviewing

Thoughts on interviewing

An interview is “a mechanism directed towards the ‘construction of proof’.” (Baldwin, p. 327)

The objective of interviews is not to get at the slippery concept of truth but to build an evidential case or establish that there is no case.

Why do you interview?

Are you always seeking the truth? No. Get info.

Do you want information to build a case? Yes.

Characteristics of good interviewers

Able (and driven) to organize, Plan & prepare

Able to thoughtfully listen and question

Flexible and open-minded

Shows compassion, empathy and respect

Calm, courteous and patient

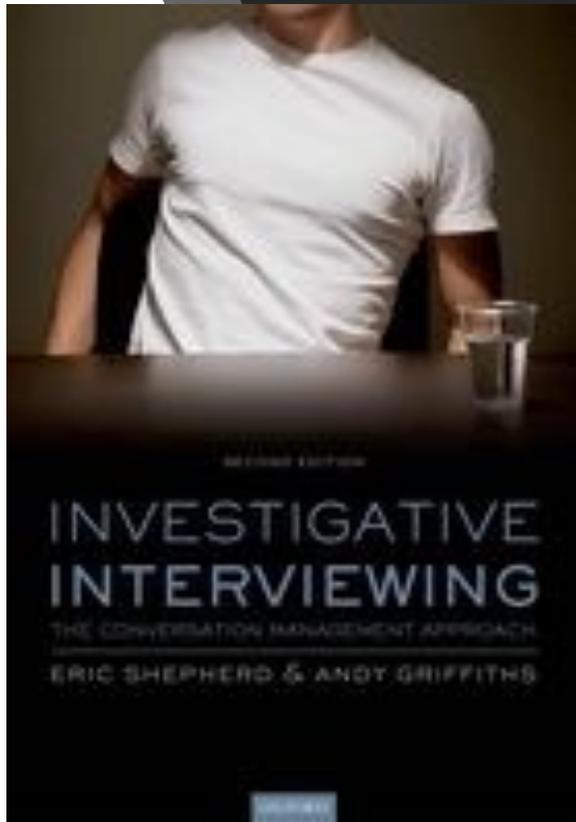
Uses a humane approach versus authoritarian

Witness, suspect, complainant, and victims reported similar beliefs. All want to be treated fairly.

So how do we “get some of this stuff?”

Source: Bull, 2013

New approach: Conversation Management



- by Professor Eric Shepherd & Andy Griffiths
- **Investigative interviews are *difficult conversations***
 - HR managers, doctors, therapists, and police tend to have difficult conversations.
- **But why are these difficult?**
 - Outcomes matter to those involved.
 - Talking about important issues.
 - Circumstances are psychologically threatening.
 - People feel vulnerable and stressed.
 - Self-esteem and self-preservation are at stake.

Difficult conversations

Interviewees are frequently resistant because it's a psychologically challenging and stressful situation.

They feel vulnerable.

Their self-esteem is at risk.



Difficult conversations

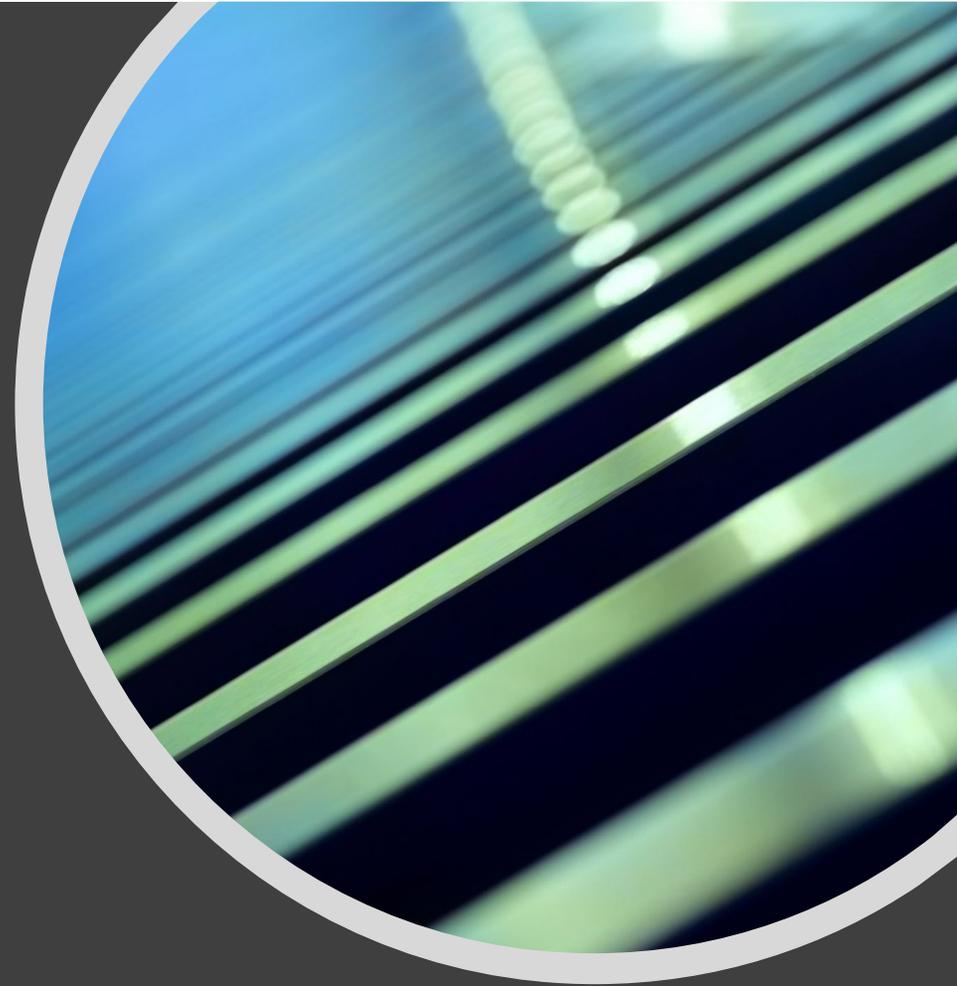
- Interviewees feel strongly about the subject matter...whether innocent or guilty.
- Interviewees feel strongly about the interviewer...especially if negative.
- Interviewees feel that outcomes are perceived or pitched as uncertain or hopeless



Difficult conversations

Interviewer

- Professionals want maximum disclosure of details.
- Professionals manage conversations to create a productive *working relationship*.
- Immature interviewers seek confessions.



Forming conversational relationships

Interviews are about getting as much detail as possible.

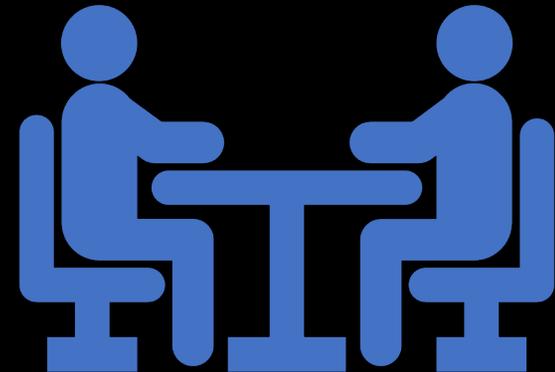
Working relationship building strategies include:

- Both parties acknowledge the aims and goals of the interview
- Recognize the potential barriers
- Realistic expectations of the subject's memory
- Build and maintain **rapport**

Rapport – what is it?

Theoretical notions of rapport developed for physician-patient interactions and other therapeutic settings include:

- **Mutual attention** - the degree of involvement the interviewer and interviewee share and experience.
- **Positivity** - mutual liking or respect.
- **Coordination** - pattern of reciprocal responses between individuals *“in sync”*



Source: Tickle-Degnen & Rosenthal, 1990

Rapport – what is it?

- **An obstacle to rapport is the adversarial nature of investigative interviews.**

- **RESPONSE** – behaviors to develop/maintain rapport
 - Respect
 - Empathy
 - Supportive
 - Positive
 - Open
 - Non-judgmental
 - Straight Talk
 - Equal relationship
- Positivity and attention are the most important in initial stages.
- Attention and coordination are vital in the latter stages.





Rapport in interviewing

Investigative interviews are about relationships between interviewers and individuals.

Relationships are influenced by many factors.

- ▶ Pre-conceived ideas
- ▶ Biases or prejudices
- ▶ Anecdotal experiences
- ▶ Culture or customs

These factors can affect the interview.

Understanding and accepting these factors can help mitigate their effect.

How to avoid pitfalls that ruin rapport

5 Rules

- Be open-minded and objective.
- Build and maintain rapport.
- Be attentive and focus, focus, focus.
- Maintain a professional, courteous and caring attitude.
- Learn how to conclude the investigative interview.



Rule 1: Open-minded & objective

Don't form an opinion ahead of time.
First impressions matter!

Pygmalion or Rosenthal effect — self-fulfilling prophecy

Your attitude can affect your behavior and your perception.

Your behavior can affect their attitude and perception.

Their attitude can affect their behavior and YOUR perception.



Rule 1: Open-minded & objective

Stereotypes

- Bias our perception and influence inferences.
- Can lead to self-fulfilling prophecy.
- Being aware of them can combat their negative effect. But this takes honesty.



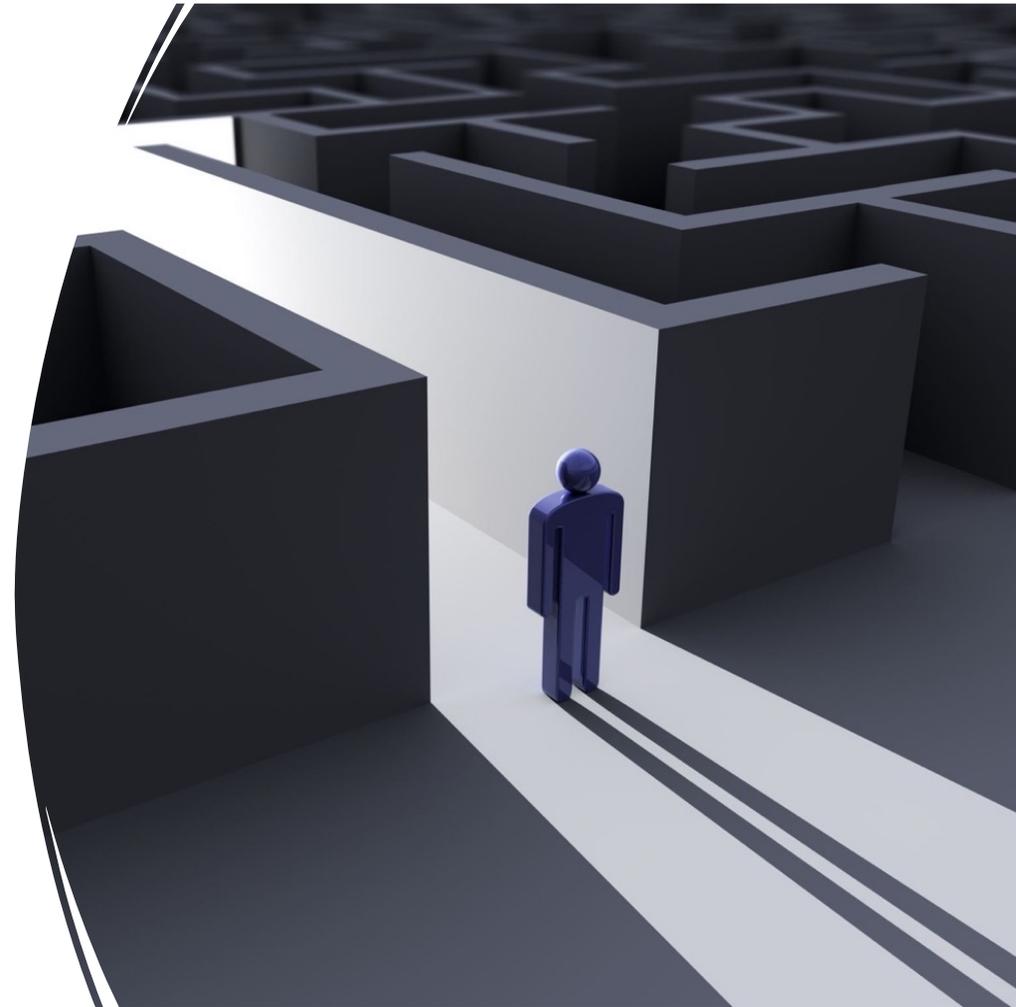
Rule 1: Open-minded & objective

- Prejudices induce bias that affect perception, attitude, and behavior.
- “Investigator bias led to increased use of minimization tactics and thereby increased the likelihood of false confessions...”
Narchet, Meissner & Russano (2010)
- Studies show you are less likely to give the benefit of doubt to people with criminal records, are more likely to focus on a confession, and are less likely to focus on searching for truth.

Rule 1: Open-minded & objective

Your focus affects how you conduct the interview.

- Should you presume everyone is innocent?
Guilty? No!
- Should you focus on a confession or eliminating the person from suspicion?
- Research shows when a person is presumed guilty, you are likely to:
 - Use guilt-presumptive questioning
 - Use techniques and pressure to obtain confession
 - Make innocent person more likely to display anxious/defensive behavior



Rule 1: Open-minded & objective

Pressure to solve a problem can wreak havoc on objectivity.



Rule 2:
Develop &
maintain rapport

Building rapport is essential, important, and critical

Developing rapport requires things.

- Pay attention to the other person's needs and concerns.
- Take time to create an atmosphere of respect.
- Remain sensitive to the other person's feelings and beliefs.

Rule 2: Develop & maintain rapport

Without rapport your interview is doomed.



- It is the foundation upon which the interview bears out.
- You can be knowledgeable on a subject—but without rapport the interview will fail.
- You can have no technical knowledge—but with rapport conduct an interview.

Rule 2: Develop & maintain rapport

- **First contact:** be visual and shake hands (universal sign of peace).
- **Respect personal space**
 - Don't crowd the person. That appears overbearing and intrusive.
 - Don't stay too far away. That appears impersonal, a lack of intimacy.
 - Avoid items like a desk or table between you and the person. That appears impersonal.
 - Preferred to sit at an angle and not face-to-face.





Rule 2: Develop & maintain rapport

How you are perceived affects the person's attitude towards you.

- Your demeanor, actions, and expressions convey messages, so be alert.
- **Be empathetic**
- No empathy means no rapport.
- No rapport means no interview.
- Calm, low voice displays empathy.
- How would you feel if you were in their shoes?

Rule 2: Obstructions to building rapport

- Building rapport can be difficult when you don't "like" the other person.
- Building rapport can be difficult when you think you "won't like" the other person.
- Building rapport can be seen as being "soft" by co-workers.
- Building rapport can be seen as time-consuming.

Remember – without rapport, there is no effective communication and no interview.



Rule 3: Pay attention, maintain vigilance

Probably one of the most difficult tasks to do well.

Maintaining a role of facilitator while paying attention is a daunting task.

Not interrupting is a challenge for many of us.

“The one who listens has the advantage, the one who talks gives it away.”*



Rule 3: Pay attention, maintain vigilance

Active Listening - not the same as hearing.



- ▶ Requires attention, focus and concentration.
- ▶ Distractions disrupt active listening.
- ▶ Primary components.
 - ▶ **Encourage** the person to talk without interrupting. (head nods, “OK”, “hmm”)
 - ▶ **Paraphrasing** – “If I heard you right, ...”; reflecting “So that made you angry?”; echo probe repeat the last words or ideas.
- ▶ Use appropriate silence to stimulate more talk.
- ▶ No interrupting!

Rule 4: Get/keep professional attitude

In general, investigators find it easier to assume guilt and then interrogate for a confession.

Often looks like this:

- Accuse the person
- Tell the person you have evidence (real, inferred or manufactured).
- Ask the person to confirm the allegations.

Rule 4: Get/keep professional attitude

When person denies or is silent, interviewers tend to ratchet it up.

Make stronger assertions of guilt

Make stronger accusations

Repeated or more aggressive questions

Interview degenerates to dog-chases-tail scenario.

Rapport is gone.

No more information gathered to check out.

Unless person confesses, the rest is likely an exercise in futility.

A photograph of a busy city street with many pedestrians walking. The scene is overlaid with a dark semi-transparent box containing text. The text is white and reads "Rule 4: Get and Keep a Professional Attitude". Below the title is a bulleted list of four points.

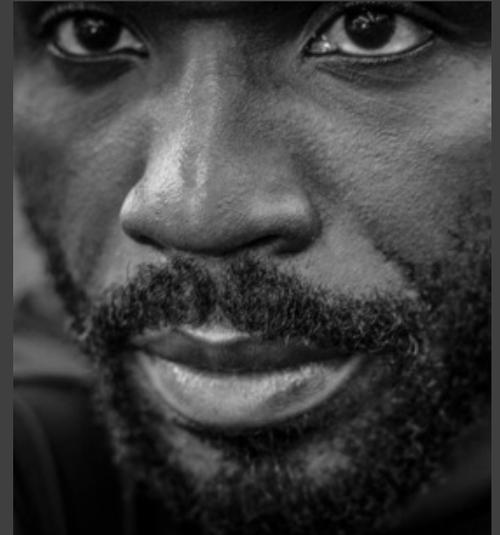
Rule 4: Get and Keep a Professional Attitude

- **How you were trained can affect how you are re-trained.**
- Cognitive dissonance can preclude attitude shift, which restricts behavior change.
- Only you can decide if you are willing to change your attitude.
- Institutional pressures, peer-pressure, cognitive dissonance may be enemy of change.

Rule 4: Get & Keep a Professional Attitude

POLICE FOCUS

- **Impediments to displaying a professional attitude**
- Macho approach – displaying aggression, impatience, sarcasm.
- Them vs. us mindset.
- Good cop / bad cop
- An expectation to submit to your “authority”
- Locus of control removed from person - reactance is likely to set in.
- *There is a huge difference between authoritarianism and being an authority.*



Rule 5: Appropriate conclusion

The appropriate conclusion may be the beginning, not the end.

- Conclusions often neglected. “We’ll be in touch.”
- At the end of the interview, review whether you achieved the objectives.
 - If yes, thank the person; show sincere appreciation.
 - If no, leave the door open for follow-up.



Rule 5: Appropriate conclusion

- Even if you got a confession, you still have to check it out.
- What did you learn during the interview?
- What follow-up is needed?
- **The interview is not the end of the investigation.**

Conversation Management

Core elements to C.M. approach

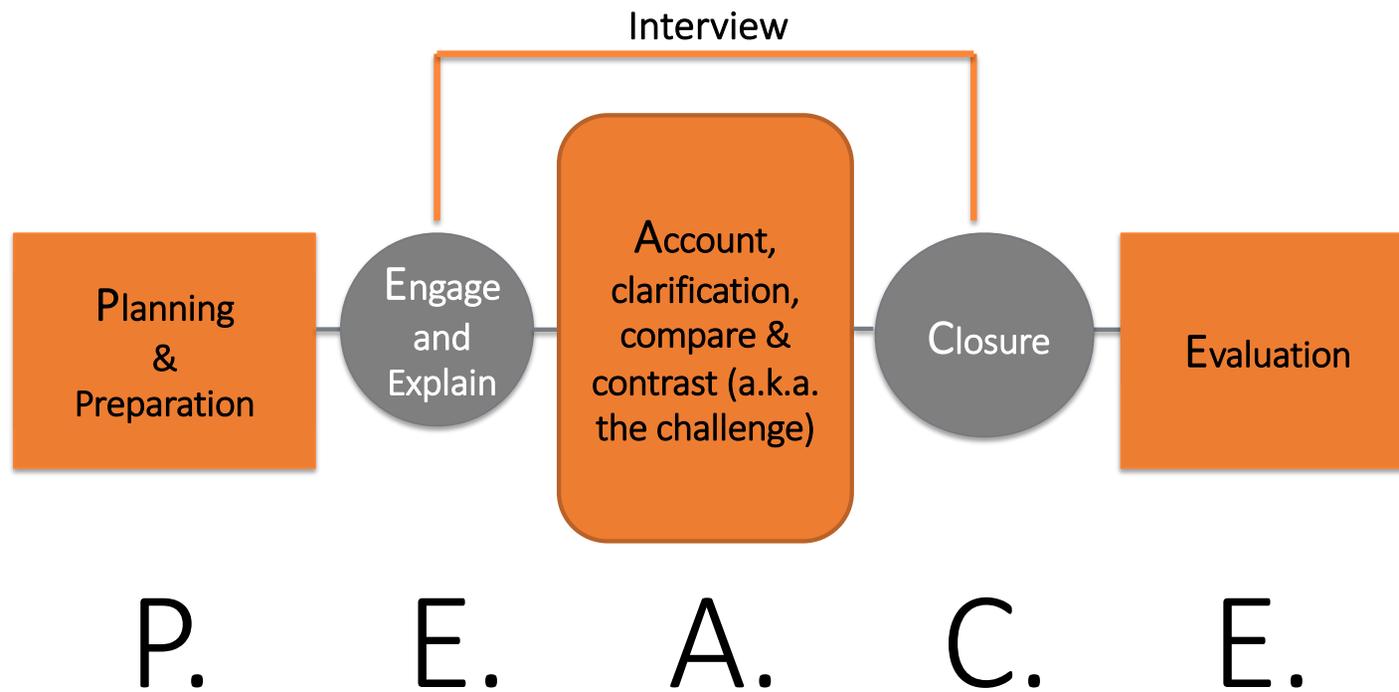
- **Reciprocity** – major facilitator of conversation
 - Shake hands and introduce yourself
 - Ask preferred manner to be addressed (nickname)
 - Offer water
 - Offer mild self-disclosure of imperfection (ex. I was running late and spilled my coffee.)
 - 10-2 seating to enhance relationship-building
- **Manage the conversation.**

Managing the interview

Interviewer should control the...

- Relationship with person
- Course of the interview
- Conduct of those present - you, the interviewee and any other person, if present.
- Content of interview, which includes the quantity, quality and breadth of disclosure, by planning, preparing and polite tenacity.

CONVERSATION MANAGEMENT SEQUENCE



Planning and Preparing

Planning - process to get ready for the interview

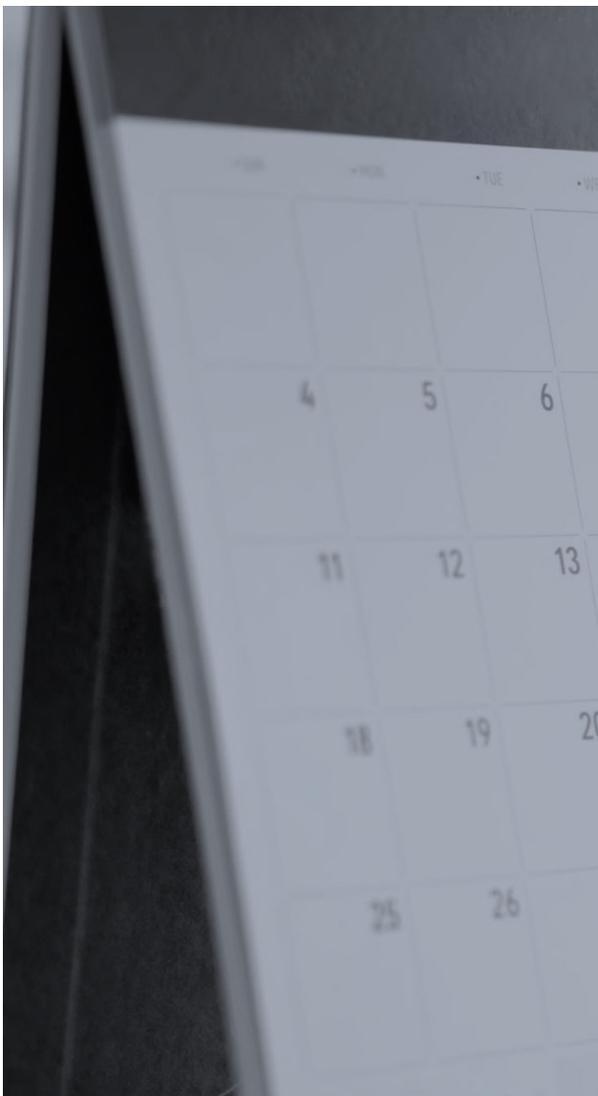
- Understand purpose of the interview
- Establish aims or objectives for the interview
- Develop a route map for the interview
- Analyze report, score, other data and information
- Understand the person you will interview: pre-employment, ongoing, LEPET, PCSOT

Planning & Preparing

Preparation – physical needs prior to the interview

- Location of interview
- Environment
- Logistics - note taking, recording
- Ourselves
- Seating arrangements
- Bathroom break
- Hunger/thirst





Engage and Explain

- **Starts from initial contact before the interview**
 - How are the person is treated from the time they enter the building
 - By you and others in your office
- **Reinforced at the outset of the interview**
 - Warm handshake and introduction
 - Ask preferred name
 - Tell them what to call you
- **Maintained during the interview**

Explain - Build Rapport

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- ▶ **Reason for the interview**
- ▶ **Overview** – issues (R1 or R2)
 - ▶ Alleviate fear of unknown
- ▶ **Routines** – the “mechanics”
- ▶ **Expectations (contract)** – for all parties
 - ▶ Examinee - agree to tell truth, disclose detail, not rush, not interrupt, ask questions
 - ▶ Interviewer agrees to not rush, give time to answer, not interrupt, may slow down, may clarify, etc.
 - ▶ Both agree that clarification may be necessary
 - ▶ Not intended to imply lying

Explain - Expectations

- Vital conversation management tool
- **Expectations** = “we” will work together
- It’s about detail.
- Take your time, there’s no rush.
- Think before you speak, think after.
- I’ll need to stop you from time to time.

- Always check back = make sure interviewee *understands*
- What do I mean when I say... ?

Account – Clarify, Compare & Contrast

Account = interviewee's version of the events; free narrative

Steps include

- Examinee gives a free narrative
- Clarify or redirect account to matters you need to know about.
- Challenge any anomalies, inconsistencies and contradictions by asking for clarification.
- Give latitude if possible, but keep control.



Account – Clarify, Compare & Contrast

Interviewer's tasks during the account

- Listening skills
- Look for anomalies (implausible, unbelievable)
- Verbal and non-verbal deception
- Questioning strategies
- Liar strategies (examinee says machine broken)
- And much more

Talking and Listening

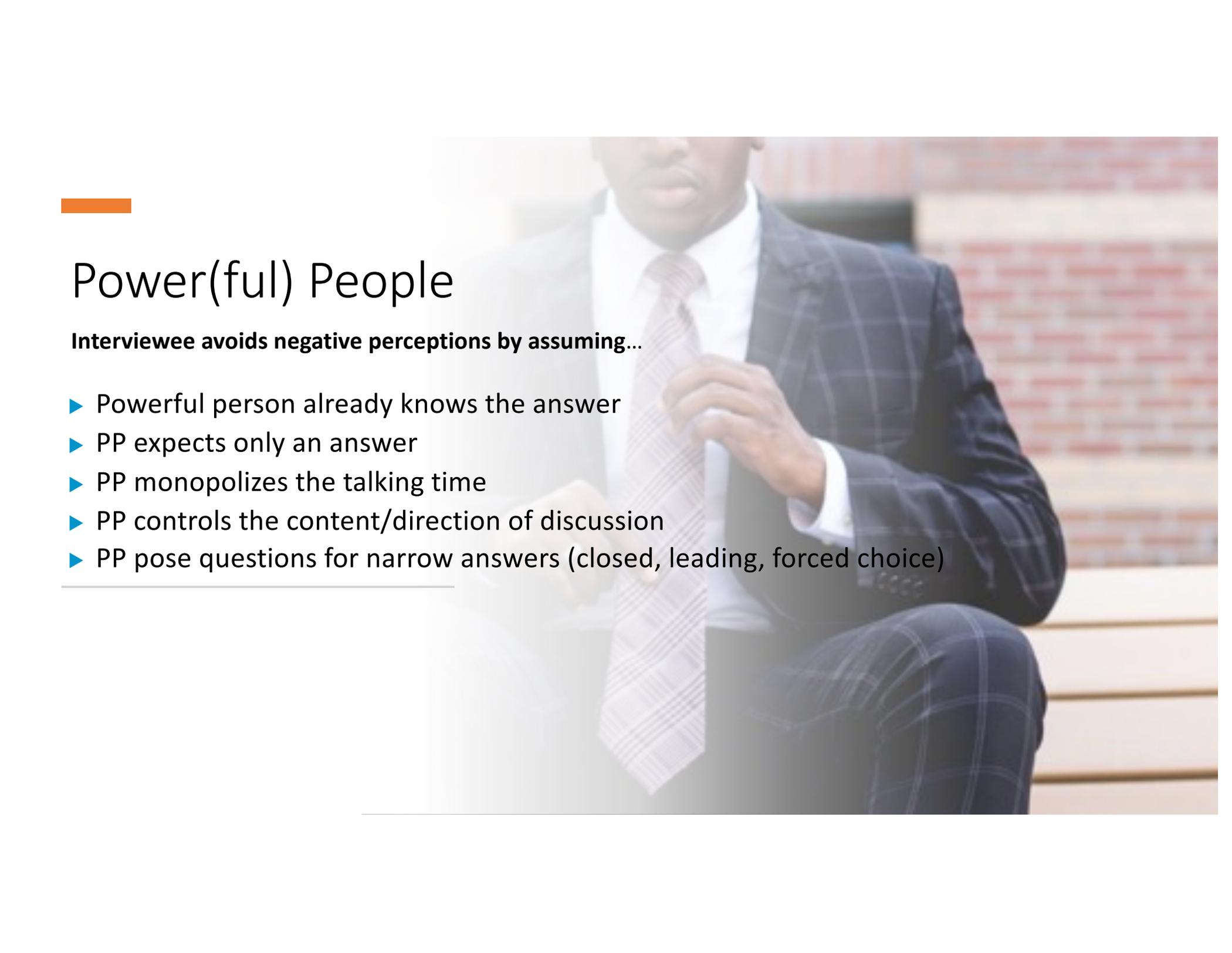


Interviewer should remember...

- Pitching questions appropriately
 - Interviewees disclose to maximize social desirability.
 - Leave the listener with a positive view of him/herself.
 - But, there are some people that don't care.... too busy, emotionally blunt, psychopath or sociopath
- The degree of difficulty of conversation affects the disclosure.
- The interviewee is not in control of the direction of the conversation.
- Try to empower the interviewee if possible. (equal treatment)

Power(ful) People

- If the interviewer is a stereotypical powerful person: dominant and self-centered....
- Interviewee becomes subservient, monitors their own feedback, reacts, and is sensitive to feedback.
- Interviewee's expectations will cause predisposition to inner-editing.
- Encourages a “Just the facts ma’am” strategy
- **This is the worst way to get information.**



Power(ful) People

Interviewee avoids negative perceptions by assuming...

- ▶ Powerful person already knows the answer
 - ▶ PP expects only an answer
 - ▶ PP monopolizes the talking time
 - ▶ PP controls the content/direction of discussion
 - ▶ PP pose questions for narrow answers (closed, leading, forced choice)
-

Just the facts, ma'am

Powerful person is happy to get answers they want.

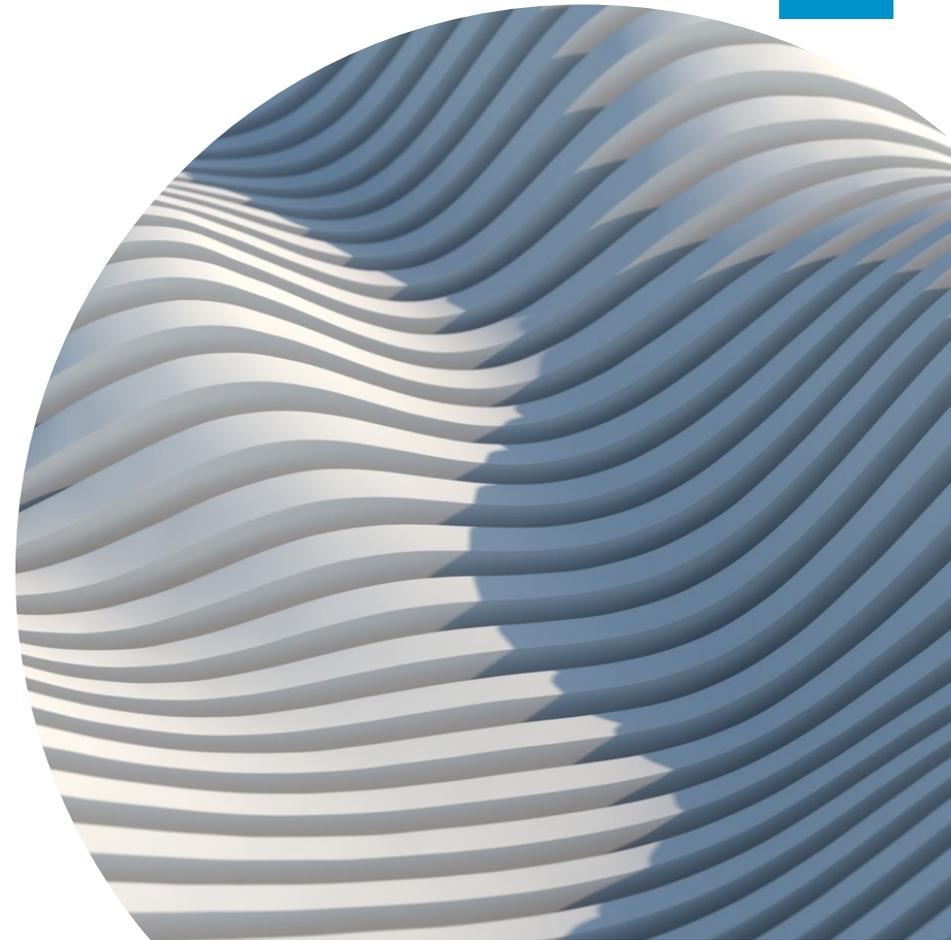
PP rewards verbally and non-verbal feedback.

PP takes charge—likely reducing the length of the interview.

Decreases the likelihood of anomalies.

Increases the odds you will chase your tail.

Increases odds you will fill in the gaps which may lead to incorrect conclusions.



Account Problems — ASSESS

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Tool for identifying potential warning signs (Shepherd & Griffiths)

- **A**ccount problems
 - **S**ense problems
 - **S**truggling to give detail
 - **E**vasion
 - **S**abotaging behavior
 - **S**ignificant expressive behavior
- On their own, none of these things mean anything. These are clues to possible anomalies in a statement that may require follow-up.

Account Problems — ASSESS

- Silent encounters
- Statement evidence inconsistency
- Not a free narrative
 - Thin account
 - Missing detail
 - Gaps
 - Sidestepping
 - Contradictions



Sense Problems - ASSESS

Big 3 Problems with the liar's account

- Improbable - not likely to have happened
- Implausible - not realistic, hard to believe
- Unreasonable - not sensible or appropriate



Struggling to give detail - ASSESS

When probed, the interviewee

- Refuses to add to original story
 - Struggles to provide additional detail
 - Repeats minimal disclosure
 - Concedes inability to add detail
-
- **Interviewer ask yourself why?**

Evasive — ASSESS

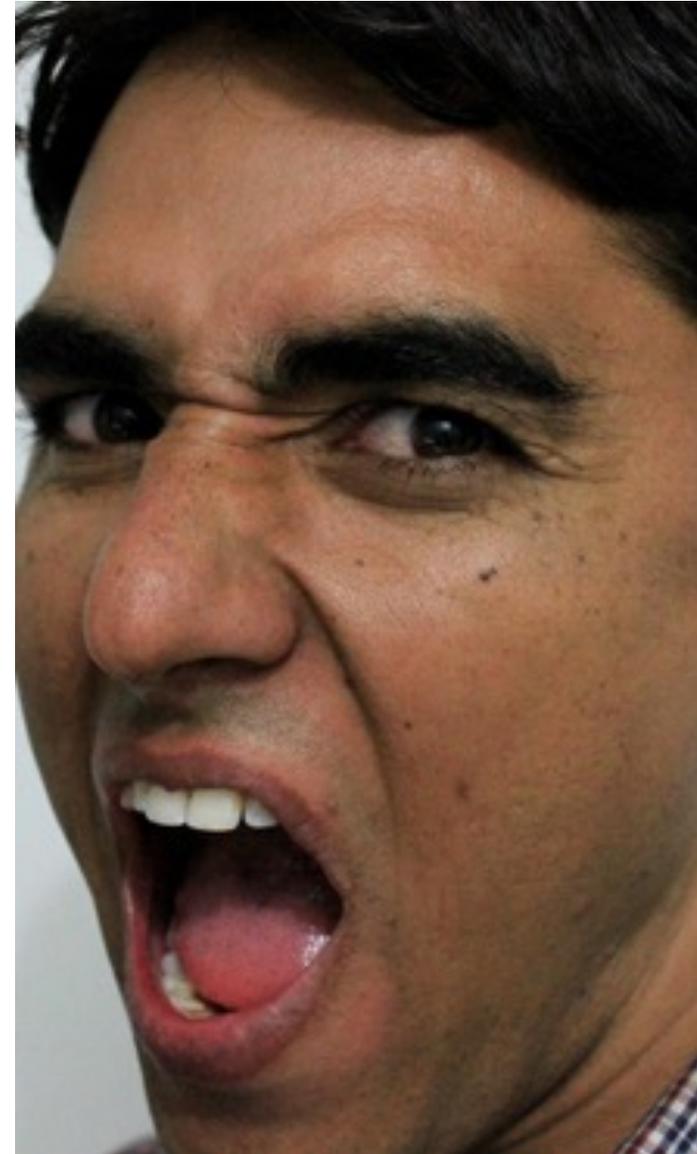
When probed, the interviewee

- Attempts to change the subject
- Answers a question with a question
- Blanks on an echo-probe
- Interviewee uses qualifiers “not really” or “I don’t think so”
- Gives measured responses — you have to drag it out word by word
- Sidesteps a definitive answer - “Not really” or “Sort of” or “I guess”

Sabotaging Behaviors — ASSESS

When probed, the interviewee...

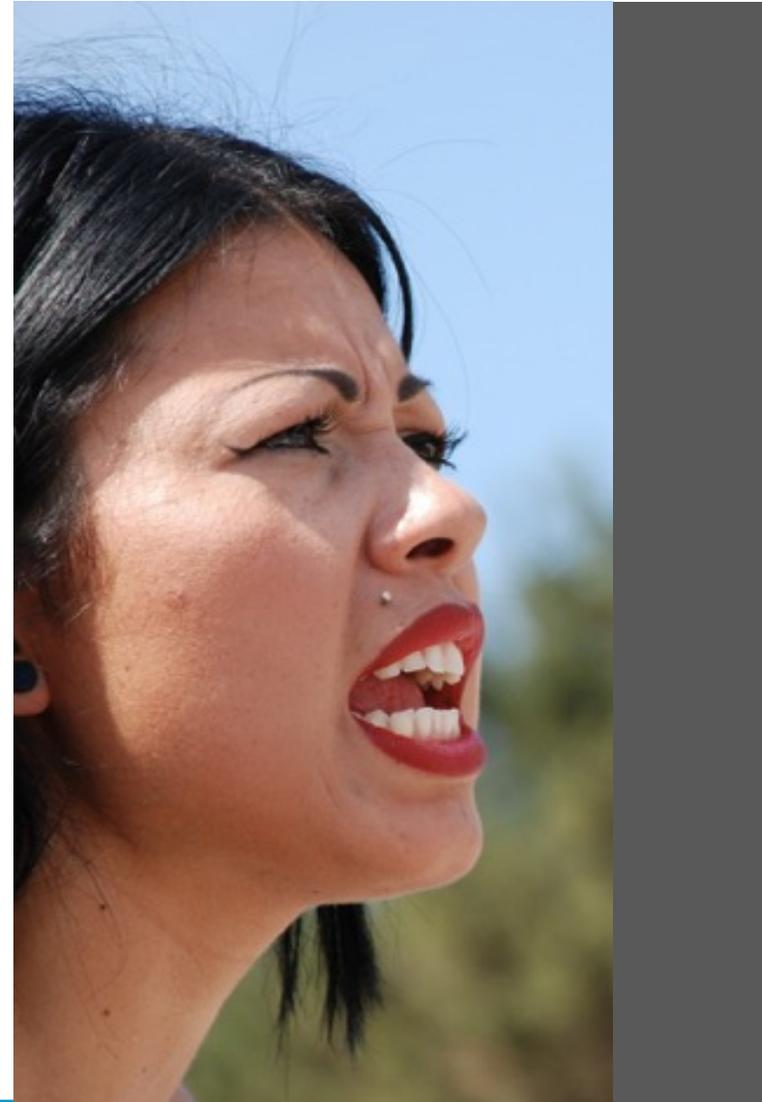
- Argues
- Displays anger
- Is abusive
- Threatens
- Curses
- Refuses to co-operate
- Refuses to be helped
- Refuses common courtesies



Significant expressive behavior — ASSESS

When probed, the interviewee

- Shows marked physiological changes
- Increased pitch changes
- Increase in answering pause duration
- Increased latency to answer
- Is it feigned? Turned on/off.



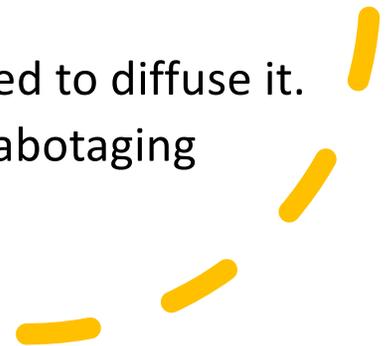
Changes in baseline behavior

Changes from the interviewee's baseline verbal and non-verbal behavior doesn't necessarily indicate guilt.

- **It is an indicator of arousal, NOT lies.**
- Impedes information flow.

Pay attention to changes from baseline.

- Increased arousal can lead to decreased disclosure.
- Attempt to diffuse the arousal.
- Make an effort at showing you tried to diffuse it.
- Be aware of 'feigned arousal' as sabotaging behavior



Explicit and Implicit Cues

Improperly trained interviewer

- ▶ **Explicit cues** – behavioral, vocal, verbal and non-verbal cues that the interviewer *says* and *thinks* s/he uses to determine if someone is lying; cause increased cognitive load and reduce effectiveness
- ▶ **Implicit cues** – cues that interviewers intuitively rely on (ex: interviewee's ambivalence and incoherence) and remember, we're 54% accurate
- ▶ *Implicit are generally better indicators*

What's the point?

- ▶ Objective Cues are better - but they are weak, scarce, and hard to measure
- ▶ Subjective Cues are worse – stronger, prevalent, and inaccurate
- ▶ People are judged as deceptive when they appear incompetent and ambivalent, and when the statement is implausible and lacks spontaneity — cues not commonly reported as subjective cues.
- ▶ Notice a theme developing here?

Source: Hartwig & Bond

General Findings and Conclusions



General Findings and Conclusions

Big 3 Problems with the liar's account

- Improbable - not likely to have happened
- Implausible - not realistic, unlikely to believe
- Unreasonable - not sensible or appropriate

Implications

- Offers insight on why lie catchers fail – weak objective cue hypothesis.
- Sheds doubt on historic recommendations for improvement – incorrect principle are taught
- Past focus had been on correcting cues to look for – but this may not be helpful because the right cues are weak, scarce
- Research says self reports do not offer insight into true cue utilization.

Source: Hartwig & Bond, 2011

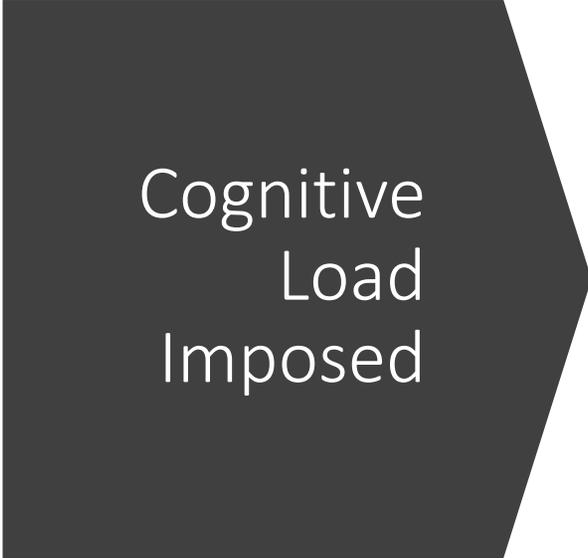


Implications

- In general, observers do not actually rely on explicit (wrong) cues.
- Prescriptively, the best way to improve interviewer judgment is to increase cognitive load in the interviewee, which will result in the manifestation of the Big 3 issues, which are more diagnostic.

Source: Hartwig & Bond, 2011

Cognitive Load



Cognitive
Load
Imposed

Verbal cues (content) are more diagnostic than nonverbal cues

- ▶ **Non-verbal cues** are stress signs; liars and truth tellers may attempt to suppress those nervous behaviors.
- ▶ **Verbal cues (content)** - truth tellers attempt to be detailed, whereas liars prefer to be vague.
- ▶ Many interrogation methods cause **increased emotions** which elicit verbal and non-verbal cues—and are unlikely to be effective because truthful and liars show same stress signs.

Source: Vrij et al. 2013

Cognitive Load Imposed

Lying is more cognitively demanding.

- ▶ Liar must create a plausible story that is in line with what is (will be) known
- ▶ Liar must recall the story and stay factually consistent throughout the interview.
- ▶ Liar is less likely to take their credibility for granted, so they self monitor (move less)
- ▶ Monitor the investigator for feedback and signs
- ▶ Suppress the truth while “role-playing”

Source: Vrij et al. 2013

Approaches to cognitive lie detection



Increase opportunities to manifest valid cues

- Question strategies
- Reverse-order
- Maintain eye contact
- Strategic use of evidence

Source: Vrij et al. 2013

One: Improved Question Strategies

- ▶ Unanticipated questions - time & physical space questions are good



“What time did you get to the restaurant?”

“Who sat where, how, and what order?”

“Draw me a map of the inside of the restaurant?”

Asking the question in a different way may elicit different answers.

Source: Vrij et al. 2013

Approach

Two: Study on reverse order recall

Experiment 1: looked for behavioral differences between liars and truth tellers when interviewees tell the story in chronological order vs. reverse order

Experiment 2: whether observers were better able to identify liars when watching interviewees tell story in chronological order vs. reverse order

Reverse Order Study

Study examined cues associated with cognitive load.

- Sensory - see, hear, touch, smell, taste
- Context - order, time and space
- Cognitive operations - thoughts and reasoning statements
- Vocal - pauses, fillers (uh), speech errors, slow speech
- Visual - decrease in body movement such as gestures, hand/finger movements, eye blinks, leg and foot movements, and chair swiveling.
- *Predicted that liars would show fewer and particularly in the reverse order condition*
- Also looked at gaze aversion and self-adaptors (scratching the head, wrists etc.) - found they did not differ between groups.

Source: Vrij et al. 2008 and LAW AND HUMAN BEHAVIOR (2008) 32:253–265 (2)

Reverse Order Study

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Findings – Experiment 1 (first-hand/interviewer)



Liars displayed more signs of cognitive load particularly in Reverse Order



Reverse order: liars displayed fewer sensory and contextual details and more cognitive operation descriptions (problems with thoughts and reasoning)



Reverse order: liars had more hesitations, spoke with a slower speech rate, and made more speech errors

Source: Vrij et al. 2008 and LAW AND HUMAN BEHAVIOR (2008) 32:253–265 (2)

Reverse Order Study

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Findings – Experiment 2 (observer)

Found reverse order facilitates lie detection

Using a dichotomous truth / lie judgment and police observers:

Reverse order 60% correct, chronological order 42%

Liars gave the impression of having to think harder

Liars also gave the impression of being more nervous than truth tellers only in the Reverse Order condition.



Source: Vrij et al. 2008 and LAW AND HUMAN BEHAVIOR (2008) 32:253–265 (2)

Maintain Eye Contact

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Three: “Look into my eyes” study



Examined several verbal and non-verbal cues associated with cognitive load.



Verbal, context, cognitive operations, vocal, and visual



Predicted that liars would show fewer cues while looking directly into the eyes of the interviewer



Particular attention paid to eye contact condition



Source: Vrij et al. 2011 and “Look Into My Eyes” Psychology, Crime & Law 16, 327-348

Maintain Eye Contact

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Findings: Experiment 1

Liars - fewer sensory / temporal details (context details)

Fewer hesitations (opposite of normal)

Slower speech

Increased finger/hand movement (opposite)

Increased eye blinks (opposite)

Increase tenseness not cognitive load

Results were inconsistent with published scientific studies

Source: Vrij et al. 2011 and "LOOK INTO MY EYES": CAN INSTRUCTION TO MAINTAIN EYE CONTACT FACILITATE LIE DETECTION? PSYCHOLOGY, CRIME & LAW, 16, 327-348

Look Into My Eyes study

Maintaining Eye Contact and Deception

Findings: Experiment 2

- ▶ Observers watched videos of the interviews and were told to decide if interviewee was lying or telling truth.
- ▶ Takeaway: don't stare at the interviewee

Table 3

Truth and Lie Accuracy Scores as a Function of Eye Contact and Modality

	Eye Contact		Control		F(1, 44)	eta ²	d
	M	SD	M	SD			
Video+Audio							
Lie accuracy	.47	.20	.55	.22	1.80	.04	.38
Truth accuracy	.59	.19	.54	.19	.61	.01	.26
Audio						F(1, 58)	
Lie Accuracy	.53	.17	.44	.17	4.97*	.08	.53
Truth Accuracy	.55	.17	.56	.19	.12	.00	.06

* p < .05

** p < .01

Chance is defined at 50%

Source: Vrij et al. 2011 and "LOOK INTO MY EYES": CAN INSTRUCTION TO MAINTAIN EYE CONTACT FACILITATE LIE DETECTION? PSYCHOLOGY, CRIME & LAW, 16, 327-348

Big Three reminder

Cues

- Lack of details
- Implausible answers
- Inconsistent answers

Source: Vrij (2014)



Let's review "inconsistency" because it's vital in the strategic use of evidence.

Statement Inconsistency

Definition of 4 Types

- **Within-Statement Consistency** - detail inconsistency within same statement. Ex: It happened A, then C, then B. Not uncommon.
- **Between-Statement Consistency** - between statements made by the same person. Ex. Tell story twice but time lapses in between. Not uncommon.
- **Within-Group Consistency** - between statements made by different people. Ex. Two people have different account. Not uncommon.
- **Statement-Evidence Consistency** – BEST - between persons' statement and other pieces of evidence or known information. (S.U.E.)

Consistency and Deception

- For **Within-Statement**, **Between-Statement** and **Within-Group** consistency, most studies have found that adults that are lying display *greater* consistency.
- Repeat Strategy: liars say the same thing over and over because of memorization
- Reconstruct Strategy: truth tellers add detail as the story is re-told

Consistency and Deception

- With the **Statement-Evidence** consistency, liars' statements are less consistent with evidence or known information.
- Studies provide little support for the common belief that changing the story is associated with lying!



Use of Evidence

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Historically, police disclose evidence at the onset of the interview (early).

Truthful will say “yes, that account is correct.”

Good liars will make their initial account match the evidence revealed.



Source: Hartwig et al 2006

Strategic
Use of
Evidence

Technique in which the interviewer discloses evidence or knowledge in a strategic manner during the interview.



Source: Hartwig et al 2006

Strategic Use of Evidence



- ▶ Police trainees (N=82) trained in SUE or control
- ▶ Early: Untrained interviewers disclose evidence first.
- ▶ Late: Trained interviewers ask for free narrative first.
- ▶ Accuracy: trained - 85% / untrained 56%
- ▶ SUE teaches to hold back evidence and ask specific questions about it.
- ▶ Liars give statements less consistent with evidence.

Source: Hartwig et al 2006

Strategic Use of Evidence

Metrics of Detection (Hartwig study)

- Interviews were transcribed and analyzed in 4 steps
 - Step 1- how much evidence each interrogator disclosed before interviewee was asked for free narrative
 - Step 2- did interrogators question and disclose evidence strategically
 - Step 3 - during free narrative, did the interviewee disclose evidence-related info
 - Step 4 - recorded the degree of statement-evidence consistency



Strategic Use of Evidence

Findings (Hartwig study)

- Step 1 – untrained interrogators “spilled the beans” (evidence) more often
- Step 2 – trained interrogators used strategic questions / disclosure
- Step 3 – truth tellers mentioned evidence-related information in their free recall to a significantly larger extent than liars
- Step 4 – persons interviewed by trained interviewers had more evidence-statement inconsistency



Liars were significantly more inconsistent with evidence overall.

Strategic Use of Evidence

Results of study

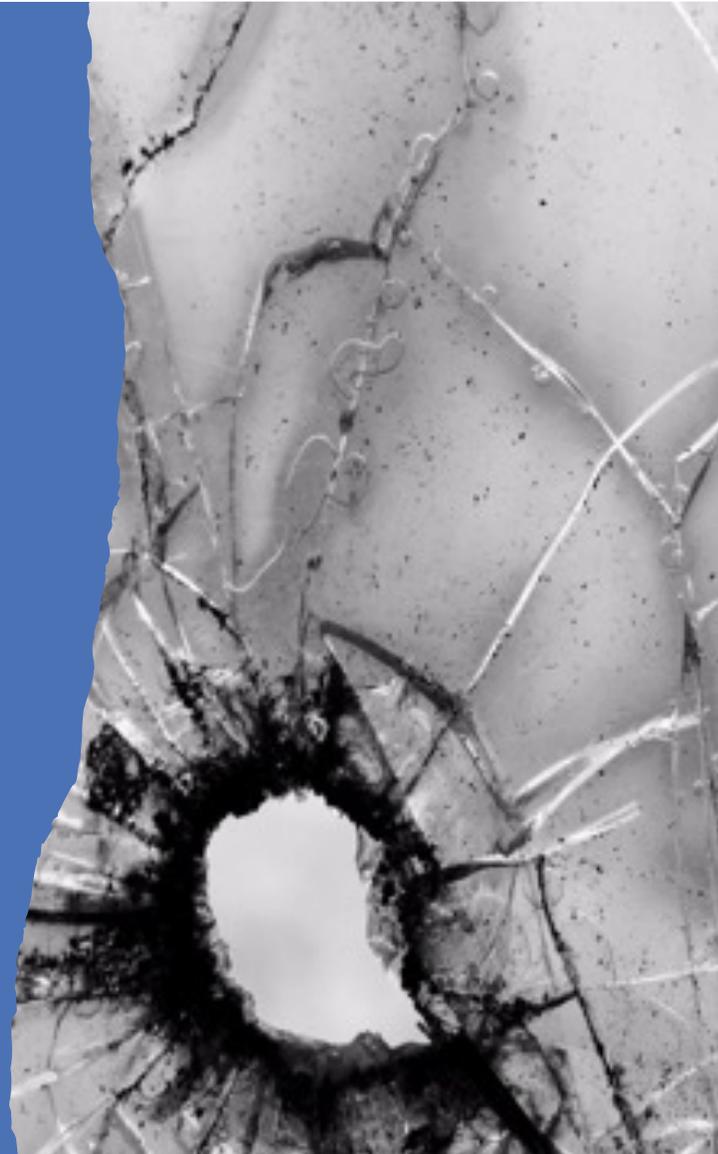
- Accuracy of trained interviewers - 85.4%
- TN 85.0% and TP 85.7%

- Accuracy of untrained interviewers - 56.1%
- TN 57.1% and TP 55.0%



Strategic Use of Evidence

- **Exciting new study** (Tekin et al 2015)
- Strategic interview using S.U.E. N=90
- Used S.U.E. to influence the interviewee's perception of the amount of evidence.
- S.U.E. – Confrontation
 - Confront interviewee with statement-evidence inconsistency after free narrative.
 - Generate more statement-evidence inconsistency than early disclosure or no disclosure.
 - Result in more self-incriminating admissions





Other 'bad' strategies

Prisoner's dilemma

Two people have two options whose outcome depends on the simultaneous choice made by the other, i.e., two suspects separately deciding whether to confess to a crime.

- ▶ Best option: Confess.
- ▶ Problem: False confessions

Prone to disproportionately increase false confessions (and true confessions).



Other 'bad' strategies

False Evidence Ploy

State that evidence exists that really doesn't exist (i.e., we have a video with you on it).

- ▶ What if smart interviewee asks to see evidence?
- ▶ Will your organization allow interviewers to lie?

Other 'bad' strategies

Bluff

Imply that evidence exists but it doesn't (i.e., we are dusting for prints right now)

- ▶ What if the interviewer is wrong?

Problem: prone to disproportionately increase false confessions (and true confessions).

Active Listening

Active Listening = Work

Active listening requires authentic listening (true interest and curiosity in what is said)

- What is said, skipped or anomalous or inconsistent.
- What is said or not said (Big 3)
- How it is said
 - Mental state
 - Emotional state
 - Physical state
- What has changed, when it is said.
- *Interviewer must listen intently (hard to do)!*



Active Listening – Theory of Mind

- **Active / Intent Listening**

- Detailed-oriented
- Empathetic listening - thoughts and feelings of other party
- Other-focused

- **Theory of Mind**

- Simon Baron-Cohen describes ‘Theory of Mind’ as "...being able to infer the full range of mental states (beliefs, desires, intentions, imagination, emotions, etc.) that cause action.
- In brief, having a ‘theory of mind’ is to be able to reflect on the contents of one's own and other's minds.”



For example, you might wonder why some friends have not phoned you for a while. You may speculate that maybe you have *offended* them in some way, or at least that they *think* you have. Or maybe they are *trying* to avoid you because they *feel* that the friendship is suffocating. Or maybe they just *want* more space. So you phone them up and they say that everything is fine. You then start wondering whether, when they say that, do they actually *mean* it? Perhaps they are *intending* to keep things polite but really *wish* the friendship was over?

There is little evidence of what you are thinking and feeling, but you theorize and speculate.

Auditory Clues



- What is said vs. what is *not* said
- Less immediate - “I did not have sex with that woman.”
- Is the account implausible?
- Does the interviewee pause to establish eye contact with the interviewer after stating something (to check interviewer’s reaction)?
- Tone of voice - changes in arousal
 - Pitch (frequency) - difficult to detect but valid indicator
 - Pause duration increased
 - Latency increased
 - Response length shortened
- *But these are **not** necessarily lie cues.*

Active Listening — Benefits

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- Truthful are more willing to disclose, providing more details to follow-up.
- Close the power gap for the truthful – they feel more at ease.
- Deceptive person notices you are paying attention... this raises their concern to edit disclosure, and editing disclosure heightens cues, which increase their cognitive load and might increase error rate.



Active Listening



- Never mistake one or more cues as unequivocal indicators of deception.
- Can be signs of stress which can impair the interview.
- Non-verbal behaviors to watch
 - Tone of voice
 - Other vocal cues
 - Change in mood or emotional state
 - Attitude change towards you and the interview
 - Display of increased psychophysiological arousal

Active Listening

An essential skill for the ethical interviewer.

- Interviewer registers fine details and stores them for later review and consideration.
- Improving listening skills to gather detail
 - Mental echoing - repeating what was said.
- Unethical interviewer wants confessions and case closure.



Active Listening



- Mental imaging - using your mind's eye to 'act out' the described episode in your head.
- Ask for drawings to buy time to absorb the detail and ensure a complete understanding.
- Don't interrupt the examinee's train of thought. Wait until they finish.
- Mental images
 - Helps spot anomalies
 - Better remember fine details
 - Forces interviewer to pay attention

Don't rush to get it wrong!

Don't operate on the theory of a single successful case.

- Characterized by shortcuts, trial and error, and a few good experiences.
- Seeking rapid case closure and quick resolution at the cost/risk of error.

Relevance filtering (confirmation bias) - choose the information that fits your case and ignore the rest.

- Example: Rx pick-up by mistake by person with prev. drug charges

Plea Bargain - false confession by interviewee

Don't get lazy!



Maximizing Disclosure

- We can't find a difference if you have nowhere to look!
- Interviewer must listen
- Interviewee must talk
- Tips for getting the most disclosure are next.



Questioning

Questioning

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Questioning is stressful for both parties

- Are you prepared?
- How to manage key third parties
- Location, timing, duration
- Other interfering factors

Are you Prepared?

Do you have the necessary knowledge, understanding, skills, attitudes, and behaviors?

Psychological contrast = factors creating a barrier between you and the interviewee

- Is the interviewer able to be objective?
- Is the interviewee able to be objective?
- Do you have enough information to conduct the interview?



Are you Prepared?

Compatibility

- Age difference
- Gender biases
- Culture and ethnicity – especially for taboo matters

Interviewer appearance – if there are formality differences, adjust

- Remove jacket or tie
- Don't wear expensive or ostentatious clothes or jewelry



Second Interviewer

Potential loss of control of circumstances and behavior

Critical factors

- Loss of control over 2nd interviewer
- Worry of potential loss of control over 2nd interviewer
- Unnecessary distractions caused by 2nd interviewer
- Psychological pressure - perception of “2 against 1”
- Loss of comfort for interviewee
- Working relationship can be ruined by third wheel phenomenon.



Language Interpreter

Don't use an intermediary

- May ask you clarification questions.
- May alert you there is a problem.
- May not further explain question to subject.
- May not further explain answer to you.

Is the person suitable?

- Appropriate language match
- Qualified as an interpreter?
- Experience: police and non-police
- Potential barriers = psychological contrast
- Same as between you and subject
- Friends or family? Probably not the best choice.

Interview location

Witness (victim)

- Vulnerable? Intimidated? Special care interviewing?
- Tactical decision-making
- Resource constraints
- Recording capabilities?

Suspect

- Designated police station (use recording)
- Alternative location? Is it reasonable?

Applicant or current employee

- Designated testing location
- Not an interrogation room, if possible.
- Open, inviting room is best

Timing

Physical and psychological realities – biological clock

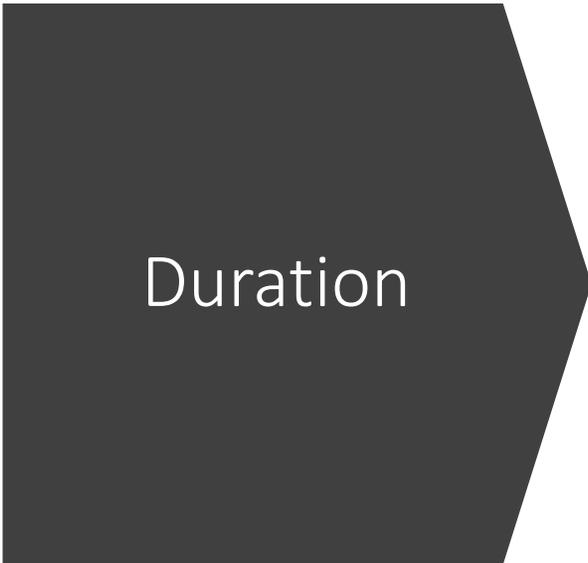
- Less efficient from 12 a.m. to 8 a.m.
- Progressively less efficient mid-evening onwards
- Mid-morning to early evening is optimum

Additional considerations

- Meal-time?
- Religious observance
- Time of medication

Urgent interviewing

- Sometimes, you must do it.



Duration

Active listening in everyday conversation

- ▶ Most people don't generally do it.

Paying attention in interviews

- ▶ Mandatory or rush to get it wrong.
- ▶ Not everyday events.
- ▶ May have significant personal implications for parties involved.

Those who struggle more

- ▶ Interviewers and interviewees under pressure

40-minute span

- ▶ Time most pay attention and concentrate, including interviewer.
- ▶ Bathroom breaks
- ▶ Restore mentally - especially YOURs and physiologically
- ▶ To assess interview so far



Factors affecting attention and mental performance

- Alcohol/drugs ingested
- Maintenance meds
- Age
- IQ - mental limitations
- Sufficient sleep
- Physical fatigue
- Low blood sugar
- Dehydration

Factors affecting attention and mental performance

Addiction to Nicotine or Caffeine

Emotional distractions

- Shame, guilt, embarrassment
- Excessive arousal
- Anxiety, fear, apprehension
- Depressed mood

Suggestibility or compliance behavior

Interviewee is willing to go along because they might have done it, or they go along even though they know they didn't do it.



Remember to “Engage and Explain”

....It’s the “E” in P.E.A.C.E.

- Mention the interview route map, which includes routines like taking breaks, drawing, speaking, questioning, note-taking (minimize if possible), etc.
- Use audio or video monitoring
 - Reason: for interviewer to pay attention & correctly record answers
 - Start with the general who, what, when, where, and why preamble for the recording.
- Any rights advisement required.



Engage and Explain

Give expectations for interviewee

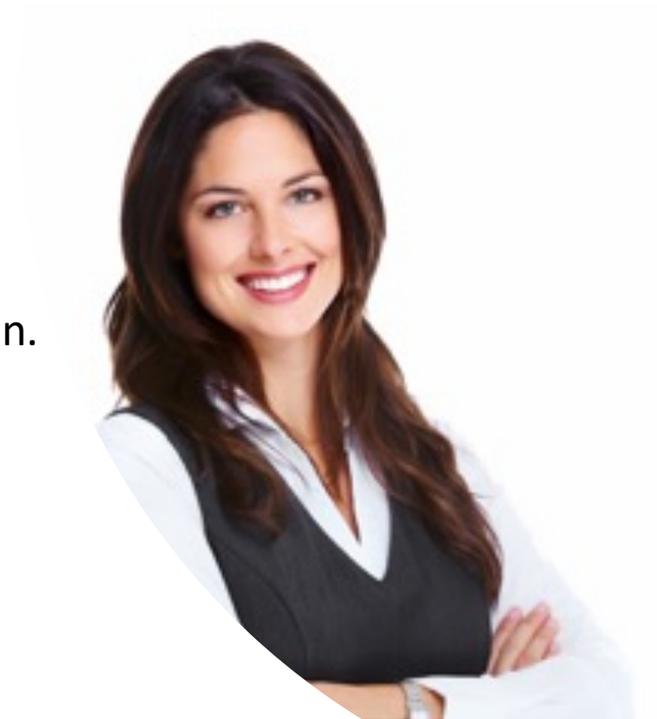
- Cooperation is key.
- Interviewee don't leave out any details.
- Don't assume the interviewer knows something.
- Use hands, drawings, anything to help describe what happened.
- Define how to work together.

Engage and Explain

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Expectations for interviewee

- Take your time, there's no rush
- Think before you speak, think after.
- I'll need to stop you from time to time.
- It's OK to say I don't know, or I find it difficult to answer.
- It's OK to say I don't understand or ask me to repeat the question.
- Consider a laminated or printed copy of the "contract."



Engage and Explain for Witnesses

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Interviewing a witness about “what happened”

- Process is similar to what is done with a suspect.
- Every suspect is a potential witness to their own crime.
- Strategic Use of Evidence (SUE) probably not used.



Characteristics of good questions

Why? To maintain rapport

- Relevant to issue and person's ability to contribute to interview.
- Respectful - not embarrassing or oppressive.
- Sensible - seek new information or testing earlier information.
- Sensitive to person's state and ability to understand
- Single issue - one question at a time.
- Short and concise
- Simple and clear
- Sincere and not misleading or deceitful



Why ask good questions?

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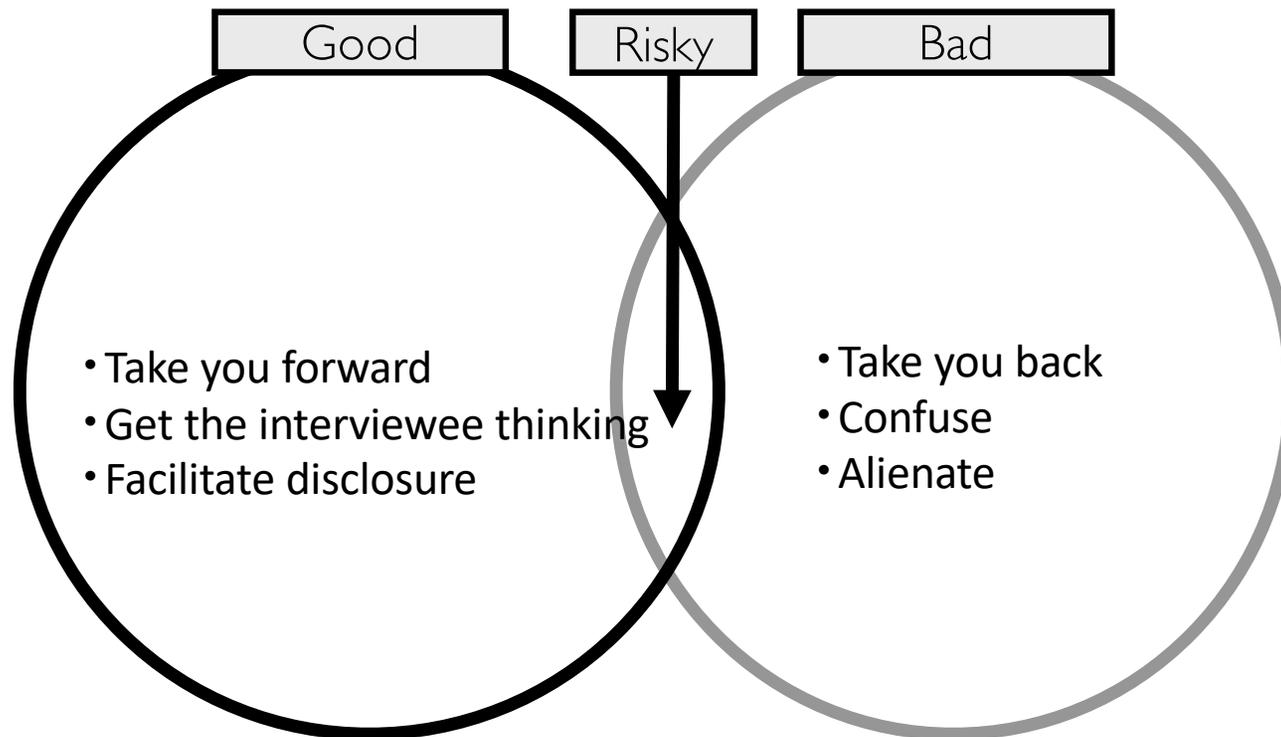
What is the purpose of the question?

- Information-seeking first
- Confirmation seeking later / cautiously

How a question is phrased affects how a person responds.

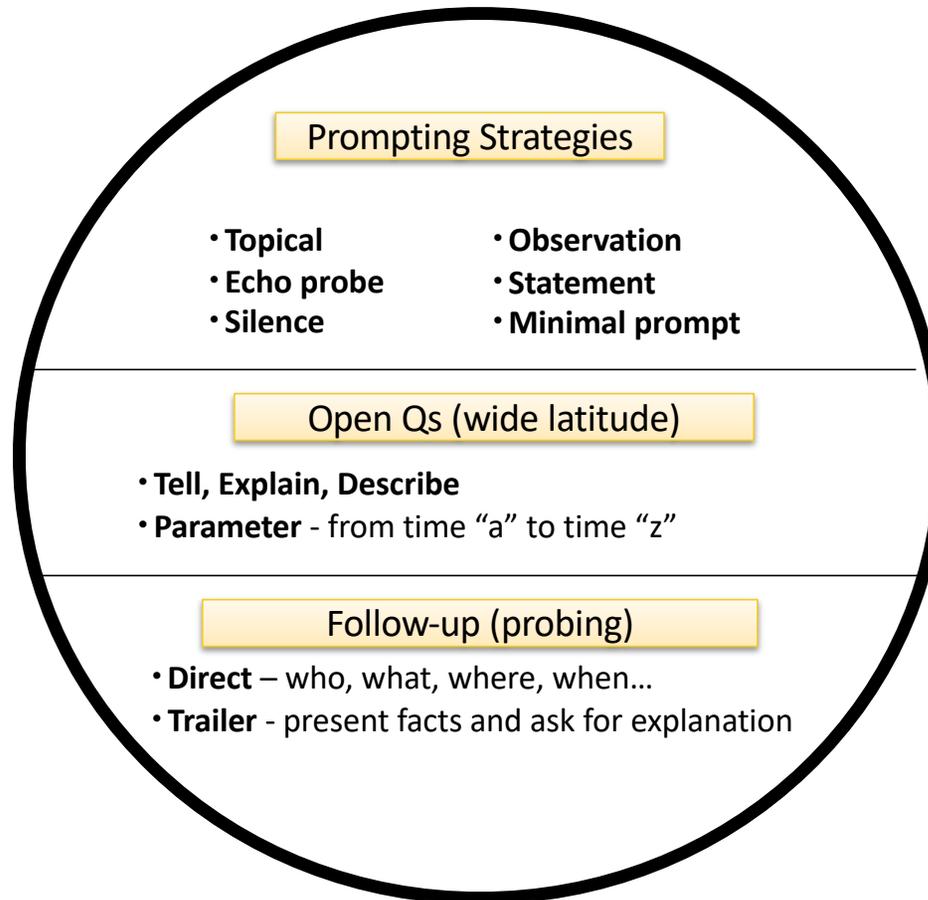
- Ex. “It’s fair to state then that you committed this crime?”
- Ask questions to show you gave the person an opportunity to explain.
- Record (audio/video) responses to remember. (Don’t take notes.)

Good, Bad and Risky Questions



Good Questions

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Improving Questioning

At first, it will be hard to develop productive questioning habits... so plan and practice

- Open questions (tell/explain/describe) are very good.
- They may sound repetitive.
- Practicing with other strategies helps you improve; ex. echo-probes, silence, etc.
- As you gain skill and experience, other types of questions (and facilitators) emerge.



Bad Questions

Leading questions

- Straight forward lead - Isn't it a fact...?
- Taunting lead – Surely, you're not saying...?
- Implication lead- You knew it was wrong...?

Option (forced choice)

Was he tall or short?

"Filling the pause"

Marathon questions

Hypothetical questions

"Parroting"

Repeating each answer

Bad Questions

Avoid if possible.

- Leading, forced choice, filling the pause, marathon, hypothetical, etc.

If used, use with caution.

- These might increase risk of false confession.
- Make sure process will be perceived as voluntary.



Risky Questions

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Closed Yes/No

Misleading confirmatory questions
“Did you see the other man there?”
-Suggests a 2nd man existed.

You can pose an appropriate Q to develop the ‘yes’ or ‘no’ with a subsequent productive question.

Example:

Q: “Did you hear her say ‘stop’?”

A: “Yes”

Q: “Tell me about that.”

Trigger initial
spontaneous
disclosure

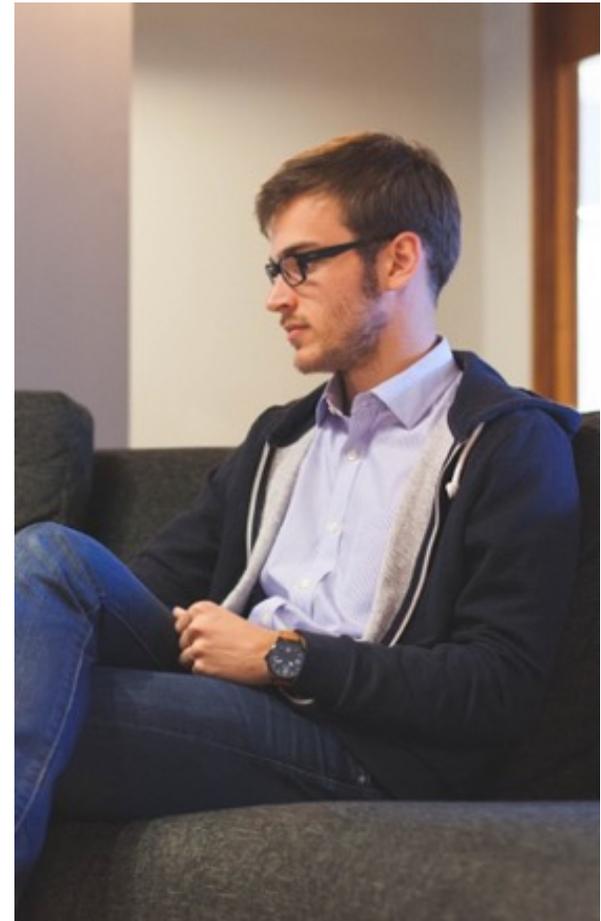
Interviewee

- No one-size-fits-all question strategy.
- May start with a simple Yes/No confirmatory question
 - “Were those your drugs found in your desk?”
- Use open or TED questions (tell/explain/describe)

Trigger initial spontaneous disclosure

Interviewee

- Remind person of the first Route Map topic
- (Topic) “As a reminder, one of the topics to go over is how you got into the car where drugs were found...{pause} now take your time {pause}...”
- (Statement) “Tell me about your relationship with the driver of the car... {pause} take your time {pause}...”





Trigger initial spontaneous disclosure

Interviewee

- (Parameter question) “What did you do between the time you got into that car and when the police stopped it?”
- (Trailer question) “You were riding in that car when it was stopped.”
 - The officer found drugs under the seat in front of you.
 - The car had been rented an hour before police stopped it.
 - How do you account for that?

Responding to initial disclosure

Interviewee gives an account not related to topic of investigation.

- Stay calm and consider tactics to use.
- Redirect using social skills.
 - Can I just jump in here {pause}? That is just the kind of detail we need. {pause}
 - Could we cover that part a little later because I really want to hear it? {pause}
 - Could I get you to tell me about...?



Responding to initial disclosure

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Responding to a relatively full account

- Summarize - demonstrate a grasp of the account.
- Thank the interviewee.
- Remind the interviewee you may need to contact again.



A thin account (lacks detail) – don't accept it!

- Could be a truthful person using a minimize strategy because they don't remember how you want them to respond.
- Could be a liar using a passive approach.
- Explain the problem, raise the issue of detail, review expectations
- Go again.

Respond to a Problem First Account

Respond to a Problem First Account

A 'pat' account - clues include

- Chronological order with little narrative reversal.
 - Statement-Evidence inconsistency
 - Have them go through it again, see if it is repeated.
 - Have them work backwards to describe events.
 - Don't challenge them, proceed to probing.
-
- Thanks for that. {pause} That's the kind of detail we need. {pause} You gave me quite a bit there. {pause} I need to make sure that I understand all of it. {pause} Can you to take me through it again with as much detail as possible? {pause}
 - Listen for little or no change and similar descriptors. Truthful people will often recall details on subsequent retrieval efforts and change the story.
 - Proceed to probe the story piece by piece.



Key messages from pausing

- Turn to talking is passed to the interviewee
- No pressure to respond, take time to think
- You are prepared to wait and will not fill the pause

Pausing benefits the interviewee

- Give person time to think
- You will keep the promise of your contract

Pausing benefits the interviewer

- Allows you to concentrate and focus
- Attend to fine details of disclosed information
- Attend to the subject's emotions
- Identify topics to be reviewed and how you will approach it.

Pausing

Longer pauses create greater pressure to speak

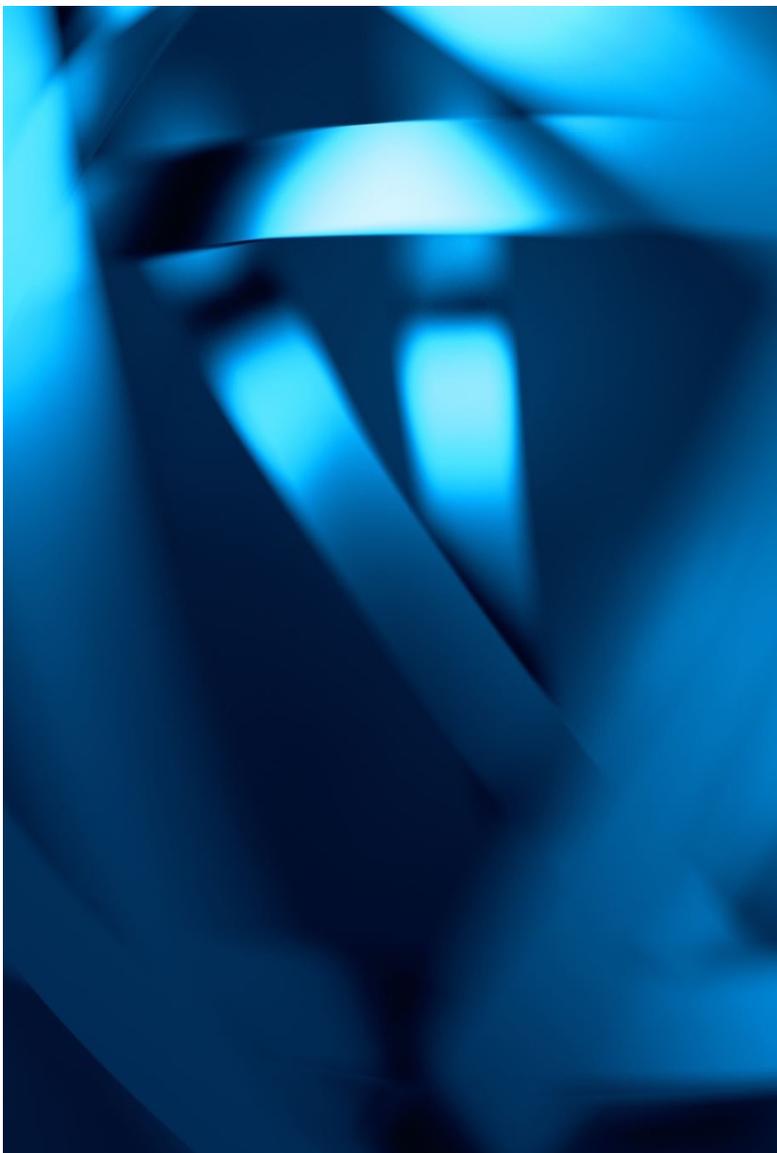
- 2 to 3 seconds is a natural break. Each second adds pressure.
- 5 seconds is not perceived pressuring by many.
- 7 seconds and more is sensed as pressuring.

Pauses can vary with the type of question

- A complex process – long recall question requires appreciable mental effort and will require a longer pause.
- A simple recall should not need a long pause. If it extends into the unreasonable, consider a polite probe such as “I’m listening.”

Long silences

- Interviewer's responsibility to assess effects of pause and adjust.
- Don't become stubborn at the risk of losing rapport.



No Pausing

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Absence of pause and quick paced interview

- Rapid questioning is a poor interview tactic
- Rapid questioning used to control the interview
 - Liars are happy to let this happen, never answering.
 - Truthful become frustrated and conditioned to silence.
- Interviewee concludes
 - Interviewer did not keep promises from the contract.
 - Interviewer is not interested in my account.
 - Might feel “less is best” and keep quiet.
- Consider how interviewer looks on video (bully?)

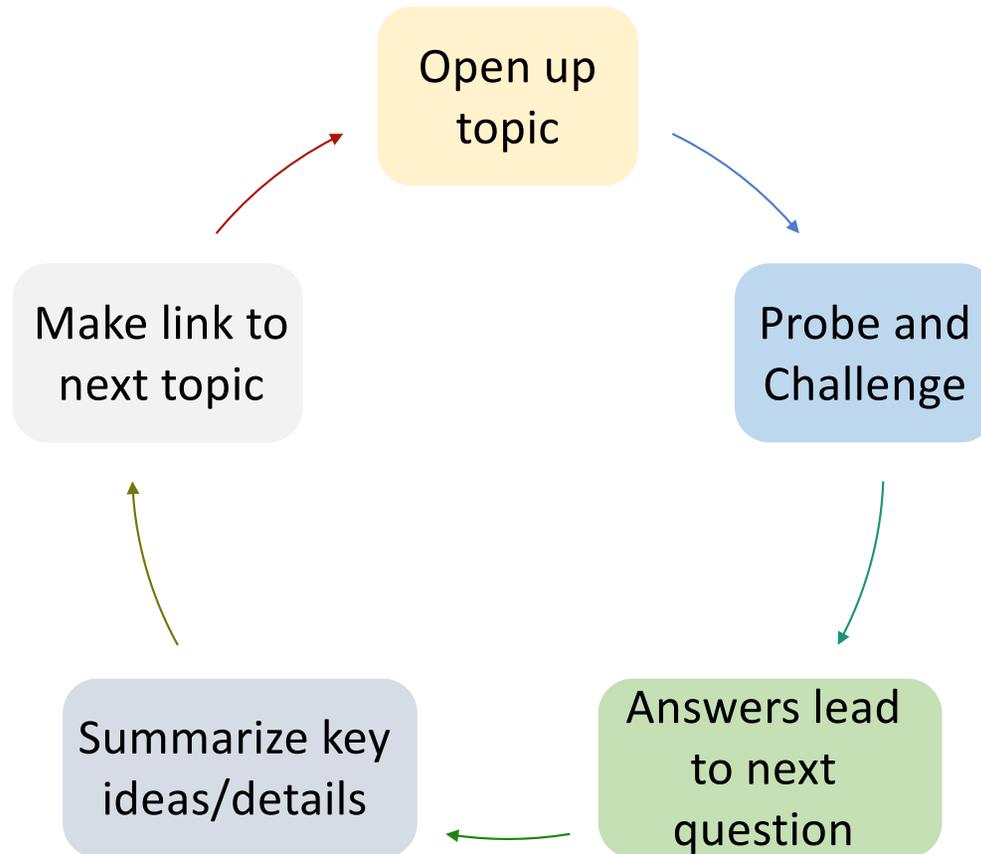
Probing / Follow-Up

Guided Memory Retrieval Tactics

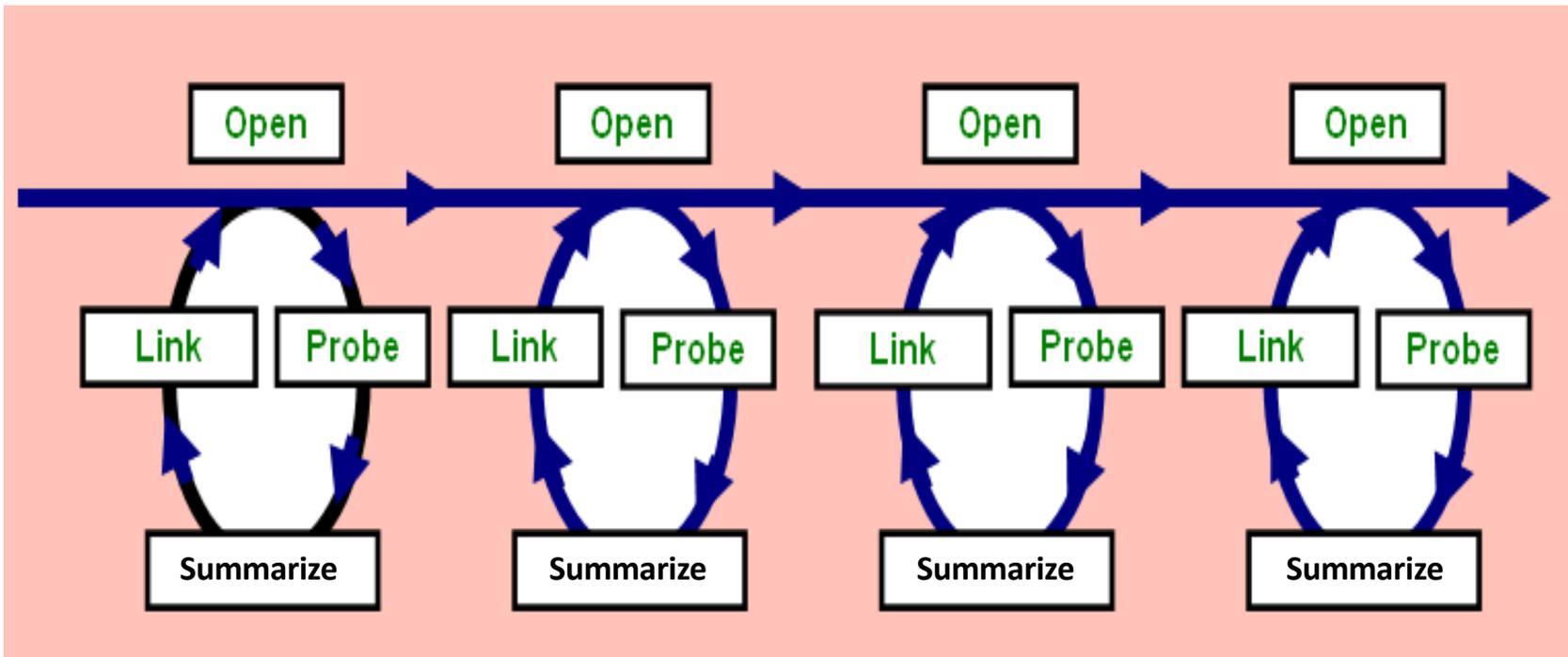
For interviewer to use with interviewee – based on cognitive interview

- Friendliness, patience and support
 - Praise the interviewee's efforts
- Report everything (RE)
- Transfer control (TC) - interviewee in charge
- Context reinstatement (CR)
 - Focus on senses: hear, see, feel, smell, touch, taste
- Multiple retrieval efforts – repeat some details
- Change the order - reverse order (RO)
- Change perspectives* (CP) only used if the subject reports another witness also being present.

Probing



Probing: Interview Spiral



Probing Strategy

Concentrate on the free narrative

- ▶ Pick a section, event or episode where the Big 3 issues emerged

Focus on a material fact

- ▶ Person, location, or object



Probing Risks

Persistent questioning comes in two flavors

- *Positive persistence*: doing your job in a thorough manner despite the person being uncooperative or obstructive.
- *Negative persistence*: repeated question has turned into badgering and is unreasonable.

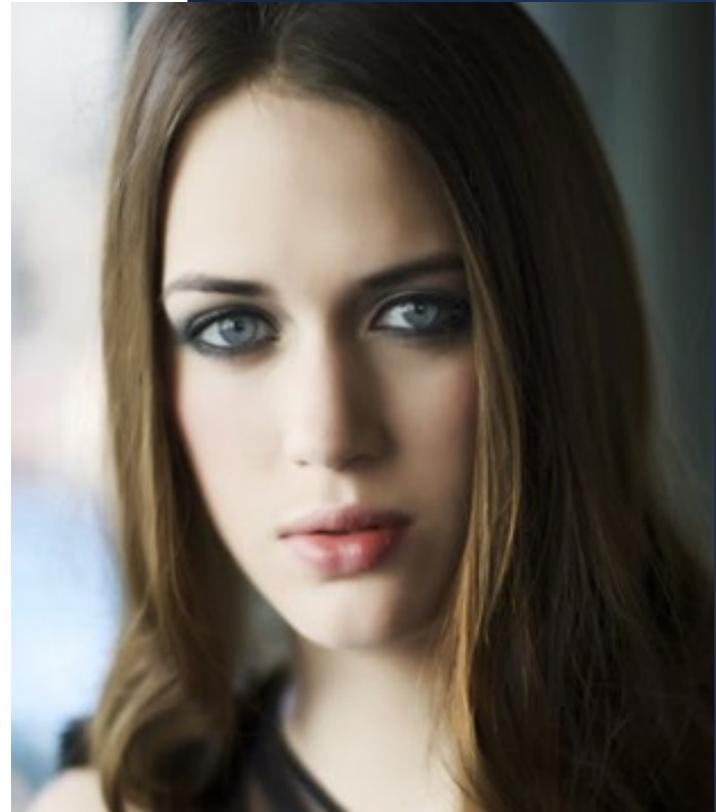
Always consider you may be asked 'why.'



Probing Risks

Reasons to probe

- *Positive:* To resolve anomalies through expansion or explanation
- *Negative:* to induce the interviewee to give responses that fit your perspective on matter: potential oppression!
- Potential claim of false admission or confession.



Don't Summarize

Where there is too little detail.

- You might sound like a parrot repeating back what they said — which is grating and unproductive.

After a short sequence of responses.

- Could lead the interviewee to think you can't remember details.
- It sounds odd.

When the interviewee gives detail inconsistent or contradictory to earlier detail.

- Summarizing might alert the interviewee.





Admissions vs. Confessions

- **Admission** - acknowledgment of inconsistency or contradiction in a previous statement or element of the crime.
- **Confession** - acknowledgement of responsibility and/or guilt.
- People usually disclose these incrementally.
- Ensure the initial disclosure is true; foster that into a true, increasing disclosure.

Disruptive Behavior

- Disruptive talking and poor listening.
 - Over-talking
 - Dismissing or ignoring what you say
 - Finishing your sentence
 - Any disruptive behaviors that thwart a conversation.
- Is it due to poor interpersonal skills?
 - Exacerbated by stress brought on by the interview process
- Or, is it a conscious act to control the direction of the interview?



Disruptive Behavior

- Don't reward it.
- However, if you respond immediately and every time, you may be perceived as overly-sensitive.
- Collect evidence of a pattern of response (three times or so).



Disruptive Behavior

- **Describe the behavior.** “I’m sorry but I need to point out that when I ask you a question...you keep interrupting me.”
- **Explain the effects** of the behavior. “These interruptions make it difficult to continue. ... It will take longer to cover these issues...if you continue.”

Disruptive Behavior

Action required. “Please don’t interrupt me when I am talking. ... Allow me to finish. ...I will extend you the same courtesy.”

Likely Consequences. “If you continue interrupting after my repeated requests...I will have no option other than to {indicate consequence} and state so on the recording.”

Disruptive Behavior

- Implement the consequences if the behavior reoccurs after the last warning.
- Don't take it personally.
- Don't react inappropriately or with anger.
- Stop the interview.
- Take the action you promised.



Resistance

- **Resistance is not the same as disruptive behavior.**
- It could include...
 - Evasion
 - Sabotaging behavior
 - Derogatory remarks and comments
 - Saying nothing

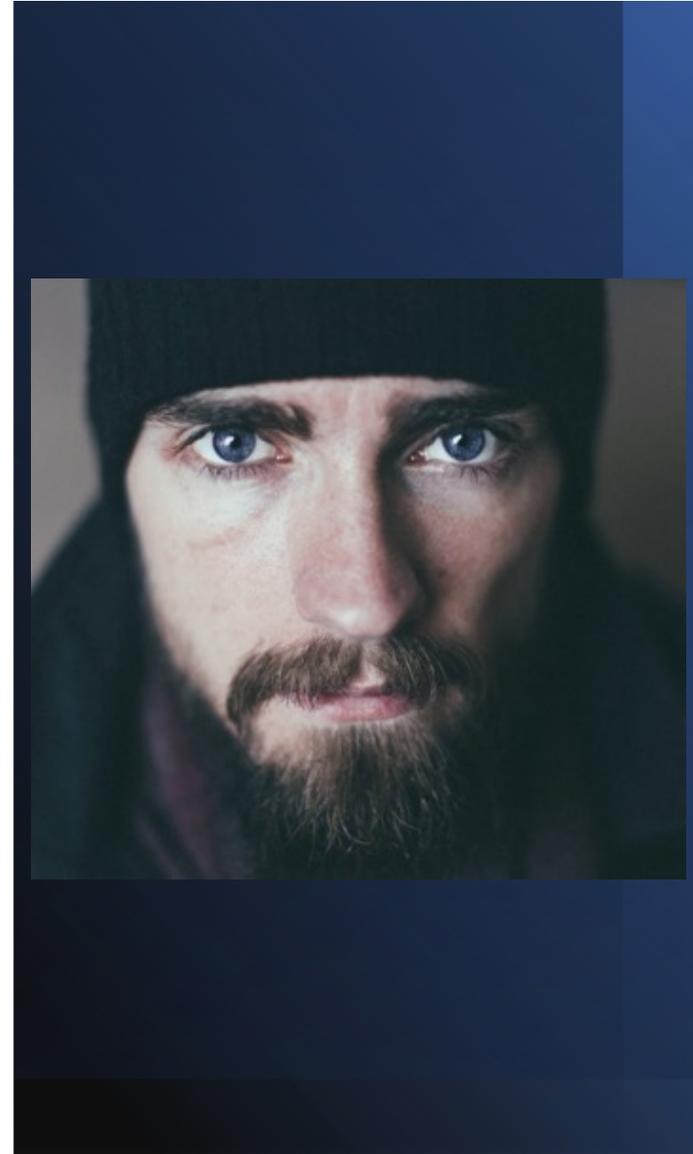
Two Dimensions of Resistance

Willingness or unwillingness to talk.

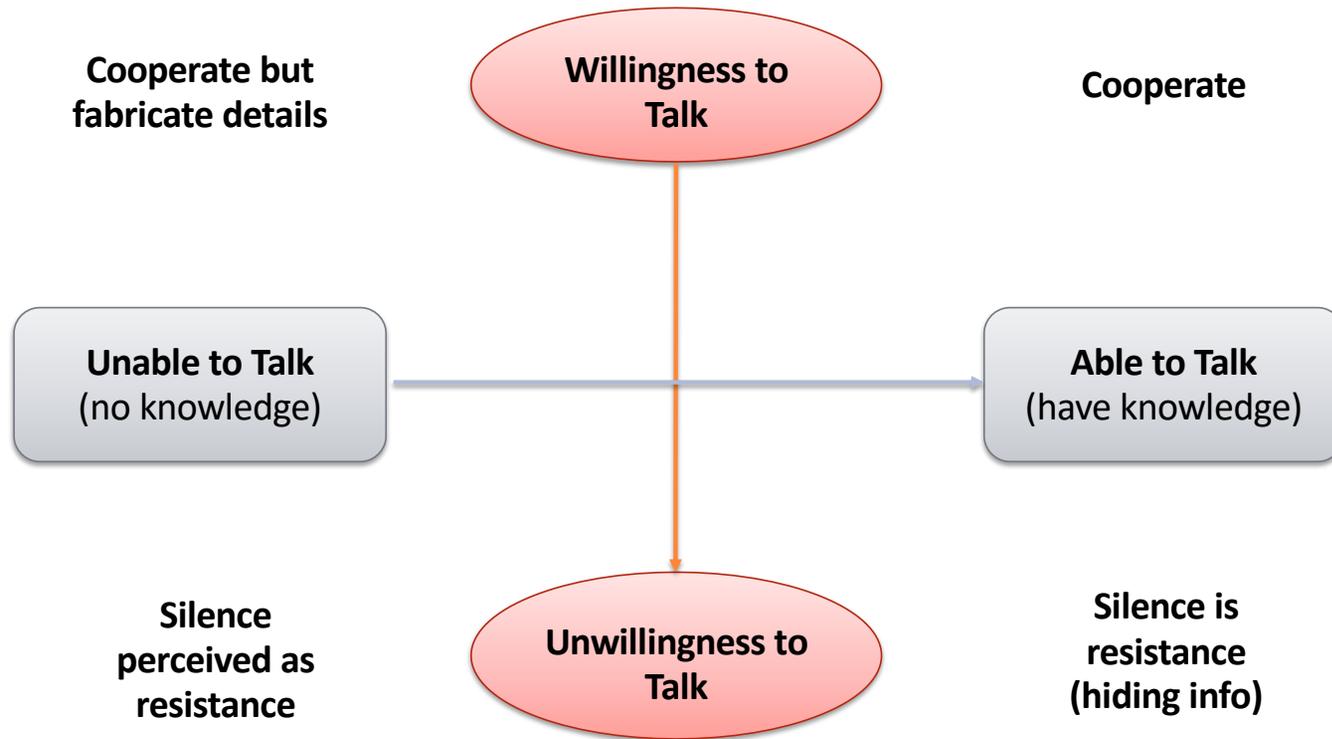
- Unwillingness may stem from anger, fear, stress, or distress.
- May stem from not wanting to disclose culpability.

Ability or inability to tell.

- Inability can arise due to person not having the information you seek, or they don't remember, or they were never there, or the information was not perceived.
- Inability to tell can also arise from a desire to not admit culpability.



Dimensions of Resistance





Coping with Resistance

- Interviewee is silent, but why?
- Keep your cool, don't rush to respond.
- Pause, breathe slowly, calm down.
- The person might talk to fill the void.
- Ask good questions.
- Second hypothesis – maybe the person doesn't truly know?

Coping with Resistance

- Remain open-minded.
- Don't let bad behavior cause bad judgment.
 - There are 2 dimensions to the resistance.
 - The person may not have what you seek.
 - Their manifested emotionality may prevent them from responding rationally.

If the interviewee remains silent after a few attempts to get information, you could take a break on a friendly note, but promise to return to discuss later.

Coping with Resistance

- **Evasive answers can be passive lies.**
- Answering a question with a question - What do you want to know?
- Responding to a question with moral indignation - Why would someone like me do something like that?
- Don't get angry. Pause.
- If no reply, restate the question. "I'll ask you the question again. ... Take your time.Think before you speak.Please tell me about..."



Coping with Resistance

Use similar strategies with other evasive techniques

- Pass the buck – “You should ask my co-workers about that, not me.”
- Blanking or single word responses.
- Arguing or put downs -“Yeah, you must be a new.”
- Hold your tongue, don’t react; it is a deflection.
- Ex: OK... I’ll ask the question again
Take your time...Think before you speak...
Please tell me about...

Close the Interview

“C” is the closing (PEACE model)

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Skillful closing reinforces the working relationship and provides direction.

- ▶ Express appreciation for co-operation
- ▶ Evidence your grasp of disclosure
- ▶ Show you are open to feedback
- ▶ Summarize key details and invite confirmation
- ▶ Tell the person what will happen next
- ▶ Invite questions
- ▶ Depart on a positive note
- ▶ Ask if the person if they are willing to return

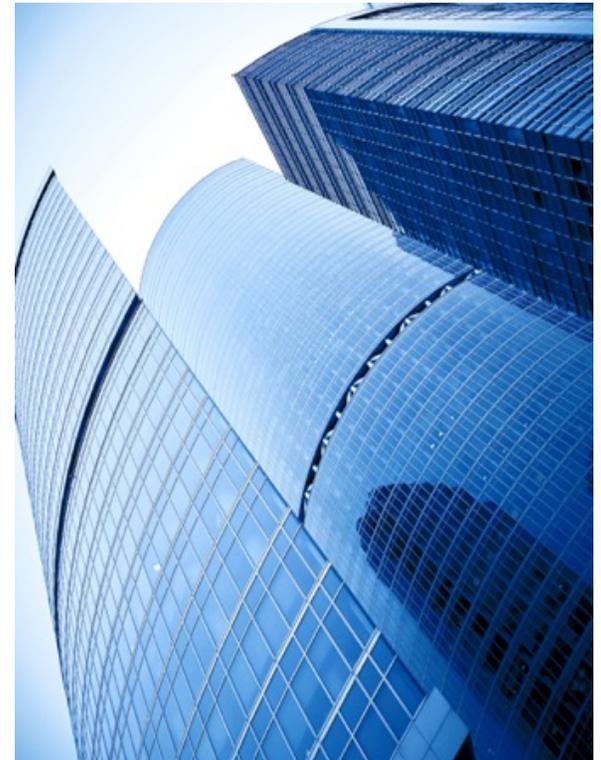
Interviewer Evaluation

Review the process and content of the interview

- How did the interview go?
 - Did you elicit and develop disclosures?
 - Did you probe and challenge results?
- Conduct of the participants
 - Did any of the interviewee behaviors affect you?
 - Did any of your behaviors affect the interviewee?
- Content of the interview
 - What was said vs. not said?
 - Were there any anomalies?
- Use what you learned to further the investigation.

Interviewer Skill Building

- **Review Conversation Basics**
- **Active listening, observing, assessing**
 - Practice active listening, observing and assessing.
 - Practice the Theory of Mind assessments.
- **Correct manner of questioning**
 - Planning a route map helps logically work through interview
 - Use good question strategies
 - Open-mindedness and patience improve questioning
- **Right Attitude & Timing**
 - Review the sections on attitude
 - Don't be afraid to delay interview until ready
 - Don't shoot from the hip.



Summary



Summary

- Good first impression
- Personalize the interview
- Establish rapport
- Explain the purpose of the interview
- Need for concentration
- Good, bad and risky questions
- Other productive questions
- Use of pauses
- Don't interrupt interviewee
- Resistance and disruptive behaviors

Summary

- Rapport-building interviewer behavior
- Interviewee-compatible questioning
- Interviewee can say “I don’t know.”
- Interviewee can say “I don’t understand.”
- Interviewee should not fabricate or guess
- Initiate a free narrative/account



Summary

- Activation and probing of an image
- Systematic probing of topics
- Echo probing
- Active listening
- Summarizing





Summary

- Seating arrangements
- Note-taking
- Mutual gaze / eye-contact
- Querying and clarification
- Mirroring / synchrony
- Sketch drawings and visual aids
- Challenging the account
- Clarification of inconsistencies

Summary

- Friendliness, patience, support and praising interviewee efforts
- Report everything (RE)
- Transfer control (TC)
- Context reinstatement (CR) - focus on all senses
- Varied and extensive retrieval
- Try reverse order (RO)
- Change perspectives (CP)



Closing Thoughts

- A knowledge of how conversation works is fundamental to professionalism in interviewing.
- Conversational skill and the skilled management of conversation are essential to ethical and effective interviewing.
- Realize there are limitations to human memory.

Thank you!

