

INTERVIEWING AND INTERROGATION
By Don Rabon
INTRODUCTION & CHAPTER 1

INTRODUCTION

- Inquiry and persuasion, often grouped as interview and interrogation, are fascinating and challenging communication devices that are reflected in many aspects of life.
- Saint Thomas Aquinas said, "Doubt leads to inquiry and inquiry leads to the truth. Like Diogenes, we go in search of only one thing, the truth. We will discover the truth as a result of our ability to inquire, to learn from that inquiry, and to persuade others to be truthful."

WHAT WE WILL COVER...

- Chapter 1: Rapport: The Foundation Process
- Chapter 2: Motive: The Explanation Process
- Chapter 3: The Process of Inquiry
- Chapter 4: The Persuasion Process
- Chapter 5: The Process of Deception
- Chapter 6: The Process of Totality (Putting it all together)

CHAPTER 1:

RAPPORT: THE FOUNDATION PROCESS
INTERVIEW AND INTERROGATION: WHAT'S THE DIFFERENCE?

- | | |
|---------------------------------|-----------------------------|
| ◦ <u>Interview</u> | ◦ <u>Interrogation</u> |
| ◦ Involves a witness | ◦ Involves a suspect |
| ◦ Involves a victim | ◦ Involves custody |
| ◦ No Miranda rights | ◦ Requires Miranda |
| ◦ General information | ◦ Specific facts |
| ◦ Less demanding | ◦ More demanding |
| ◦ Casual Interview in the field | ◦ Highly structured |
| ◦ Information not known | ◦ Interrogate at the office |
| ◦ Scattershot approach | ◦ Confirm know information |
| | ◦ Pin-down approach |

INTERVIEW VS. INTERROGATION

- The difference between the two can be determined by the willingness of the subject
- Interviewing - the individual is willing to cooperate
- Interrogation as the movement of the subject from the "unwilling" chair to the "willing" chair.
- An investigator is responsible for changing behavior - to change someone's mind
- In a democratic society our tools are limited to persuasion - no beating, etc.

RAPPORT

- Universal agreement on way to move someone from the unwilling chair to the willing chair
- How to build rapport: a two way communication, a working relationship, subject starts to open up
- Just get a two way communication going and develop a working relationship until he starts to open up
- Define: relation, connection, especially harmonious or sympathetic relation.

RAPPORT

- The establishment of rapport can serve to increase the chances of success in the interview by reducing resistance.
- Rapport provides the opportunity to establish commonality, this providing the means by which a feeling of trust in and understanding from the investigator can be developed in the mind of the subject. The more that individual comes to believe we understand them, the more he tends to trust us.
- Foundation on which to build: whatever the circumstances of the investigation, whatever the individual did, whatever the motives or the results were, do not take the case, the process, or the individual personally. Why?

ANGER

- Take personally, get angry
- Don't become visibly angry
- He who angers you, controls you
- It is difficult to develop rapport with anger as the foundation
- Anger is a weakness that indicates a lack of self-control
- Who is to blame for the subject's behavior?
- If it doesn't go well, we want to blame subject.
- Passing the blame as old as Adam & Eve - p. 12

THE MIND AS A COMPUTER

- Our goal as investigators is to be able to operate the computer (mind) of the subject in order to produce the desired behavior - information - sharing, cooperation, etc. And the amazing thing is that, for the most part, we can only operate that computer with words. We have to consider, each and every time we speak, how to act upon the subject in order to produce the desired results.
- Operate computer - manipulate the mind
- Manipulate: to manage or control artfully, to control artfully in order to obtain a desired behavior - movement from the unwilling to the willing chair - is the goal of the investigator

THE OPERATION OF THE HUMAN COMPUTER

- How does information get into the human mind?
- Experience, trial and error, or doing things?
- Enters through the "senses"
- Sight, hearing, touch, taste and smell
- We are sensory computers
- Consequently, if we are making an effort to establish rapport - to develop that roadway which will carry us together - then we want to be able to communicate in the same sensory language used by the subject.

LANGUAGE OF THE SENSES

- As we work to develop rapport with a subject, it is important that we
- 1) determine what sensory vocabulary the subject is utilizing, and
- 2) step onto that same "roadway" which will carry us to the world of the subject

- See Appendix A contains sentences from various interview transcripts in book which use sensory words

EXAMPLE WHEN DON'T USE SAME VOCABULARY AS SUBJECT

- Page 18 at bottom
- Page 19 at top
- One of them has to be able to adjust in order to facilitate a dialogue.
- That is the responsibility of the investigator.
- Whatever mode the subject may be operating in, the investigator should have the ability to address that individual in the sensory language presented.

CHANGING SENSORY OPERATIONS: WHY AND HOW

- It also becomes incumbent on the investigator to be able to shift the subject from one sensory operation to another.
- Example page 21 - three people experienced the same even - one showed it to the investigator, another one told it, and the third described it in terms of fear.
- What do you do if they are on the wrong channel...
- Change the channel
- To change the channel we must first tune in to the channel they are own - set to one desired
- We will make the transition by use of our vocabularies
- *When you heard that shell click into the chamber, what did you see?*

OBSERVING THE 3 DIFFERENT SENSORY CHANNELS

- Visual eye movements
- Visual memory processing
 - The eyes moving upward and to the subject's left
 - The eyes looking straight ahead
- Visual construction -
 - The corresponding eye movements for a visually oriented person would most likely be looking upward and then to his right
 - Visual construction is the building of an image
 - When something hasn't happened yet, the individual has to construct the suggested image, evaluate what he sees and then answer the question

EVERY WORD

- In the interview, every word that the subject says is important.
- Each word is the result of that subject's mental selection process, providing the investigator with insights into the subject and with a basis for examination, evaluation and the determination of direction.

AUDITORY EYE MOVEMENTS

- Page 31 - Figure 4
- Eye movements for auditory memory are indicated by two separate eye positions
- Both eyes down and to the left is one position
- Horizontally to the left is the other position
- When the eyes are placed down and to the left, the subject will refer to what they have heard (external sounds remembered).
- When the eyes are over to the left, the subject will refer to something that they themselves thought or said (internal sounds remembered).
- Auditory or hearing construction is indicated by the subject's eyes moving toward the right.

WHAT IF MAKING IT UP

- You will see associated changes in speech patterns as well as qualifiers and hedges in his narrative
- When in doubt, shift the subject to the end of his narrative or middle and require him to give his narration in reverse order.
- For truthful, like running film backwards
- For deceptive, the challenge is to remember:
 - What really happened
 - What they said happened, and
 - The order of what they said happened

WISE ABE

- Abraham Lincoln expressed this dilemma of being deceptive when he said, "I don't have a good enough memory to lie."

SENSATION EYE MOVEMENTS

- Feeling - figure 5
- Sorrow, an emotional state, is often displayed by the individual's eyes being cast downward.
- The eye patterns that are associated with emotion or sensation are:
 - Eyes looking downward
 - Eyes looking downward and to the right
 - Eyes closing
 - Eyes fluttering or blinking rapidly

PURPOSEFULLY ESTABLISHING RAPPORT

- Person experiences pain and sorrow - they look down - then what do you do - you look down
- Such sympathetic mimicry of another's nonverbal behavior is something that we are naturally prone to do when our rapport with that person is deeply felt.
- We take on nonverbal behavior of another
- Example - officer going undercover - dresses like drug people
- Highly effective for influencing others

INFLUENCING OTHERS

- Old examples - Apostle Paul - I Cor. 9:20-22, ... I am made all things to all men, that I might by all means save some.
- The psychological insight here is that, in order to influence another's behavior, you have to enter that person's world.
- The other person has to recognize some kind of commonality between the two of you, even a reflection of himself or herself in you.
- The more of themselves that others can identify in you, the greater their tendency to be influenced by you.

INFLUENCING CON'T

- The trick to becoming comfortable with this technique is to practice it outside of the interviewing context until the process becomes automatic enough to feel natural in more significant situations.
- Just as in learning to perform any skilled task, once someone can do it without thinking, he or she will have achieved an effective level of performance.

DETERMINING THE EXISTENCE OF RAPPORT

- The investigator will want to determine if rapport has been established
- With practice, the investigator will know when to ascertain the presence of rapport
- If the subject begins to reflect your behavior, you have established a rapport with that subject
- We want subjects to look at us and see something of themselves - something upon which we can build rapport - *David Copperfield example page 40*

INFLUENCING THROUGH RAPPORT

- Persuading by the use of a story
 - Example page 41
 - A story is an effective device for influencing another's feelings or actions
- Feeling related vocabulary can serve to enhance a story's effectiveness - subject may respond emotionally
- Investigator must be careful to avoid making any statement that could be misunderstood as promising something
- Stories are common - Bible contains parables
- A story enables a subject to identify with a character in a similar situation, showing the subject that he/she is not the first person to have experienced this situation and that the anxiety, fear, doubt, and other feelings experienced by the subject are not unique to him or her
- A story causes the truth to be remembered

STORIES, CON'T

- Often a question is raised about whether this type of rationalization in the form of a story could provide the subject with an obvious defense in court. Example - Reynolds
- The use of a story is often an effective addition to the investigator's selection of options for influencing behavior.

PERSUADING THROUGH THE USE OF ILLUSTRATIONS

- Through the use of illustration, a difficult situation can be presented in a more concrete, understandable manner.
- Illustrations can serve to provide explanation, to support a recommendation or suggested course of action, and to make a calculated impression on the subject's mind.
- Example - page 44 at bottom - two boats

PERSUADING THROUGH THE USE OF SUGGESTION

- Suggestion is a process of placing an idea before a person in such a manner that he uncritically accepts the idea as his own.
- Power of rapport - that roadway from one person to another, which allows the techniques of persuasion to be effective.

ALL 3

- Like telling stories and devising illustrations, influencing others by means of suggestion is an everyday occurrence.
- Stories, illustrations, and suggestions can all be used by the investigator to compare something as abstract as what to do in a difficult situation with something much more concrete, recognizable, and understandable.
- This process impresses on the subject's mind the idea that the circumstances (and solutions) in one instance can be applied to this situation as well.
- The investigator should create a collection of stories, illustrations, and suggestions that will correspond to various interviewing contexts.

SUMMARY

- We know this stuff - we need to learn what we are doing and perform it purposefully to have an effective interrogation.

- Next week - Chapters 2-4
