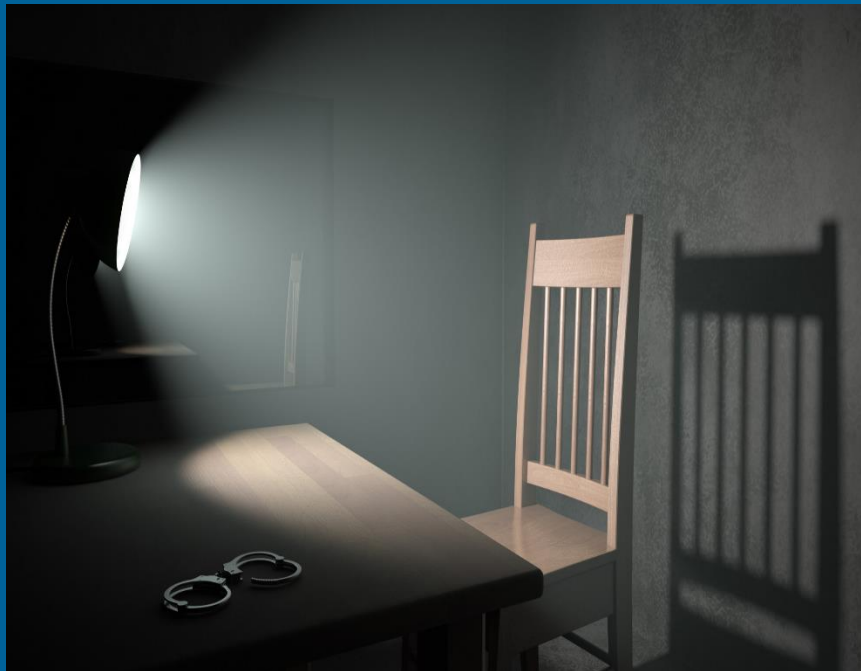




Interviewing, more than just asking questions





Elzo Sanders



FIOD
the Netherlands Tax & Customs Administration's
Investigation Service



Understand:

1. the international rules of interviewing
2. the basic rules of communication
3. the basic communication techniques
4. the effect of internal and external pressure
5. planning an interview
6. the basic rules for conducting an interview



The purpose of an Interview



What is the purpose

a confession

gathering information



a conclusive statement



Starting points of each interview



Article 6 paragraph 2:

“Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.”



Starting points of each interview

No pressure

European Convention on Human Rights

Art. 3 no torture

no inhuman or degrading treatment or
punishment

no (police) violence

no poor conditions in detention

Art. 6 right to a fair trial

public hearing

presumption of innocence

lawyer



Methods of interviewing

Accusing method of interviewing

Information gathering method of interviewing



Information gathering method of interviewing

High-Value Detainee Interrogation Group (HIG)

SUE-technique

Peace-model

Standard Interview Strategy (SIS)



High-value detainee interrogation group (HIG)

Group of interrogation specialists of the FBI, CIA
and the Department of Defense

Developed for the interrogation of terrorists

Based on:
Relation
Internal pressure
Trust



Strategic Use of Evidence (SUE)

Using the evidence strategically

Assumption: a guilty suspect in denial gives no conclusive statement

- liar -> repeating, rarely adds information
- truth-teller -> reconstructing, more willing to add information (details)

Based on:

The idea that truth-tellers and liars employ different strategies to convince the interviewer

Relation

Evidence



PEACE-model

P = Preparation and planning

E = Engage and explain

A = Account, clarification and challenge

C = Closure

E = Evaluation

Based on:

Relation

Internal pressure

Evidence



Standard Interview Strategy (SIS)

Using the evidence strategically

Standard format but adjusted on the interviewee

Phase 1 preparation

Phase 2 person-focused interview

Phase 3 case-focused interview

Phase 4 closure of the interview

Based on:

Relation

Internal pressure

Evidence



Resume methodes

HIG

SUE

PEACE

The Standard Interview Strategy

Information gathering method of interviewing



Overall of the methodes

Purpose of the interview: a conclusive statement

Good preperation

Build up a relation with the suspect

No assumptions and no judgment

Understanding communication and communication techniques



Communication techniques

What is communication?

What are communication techniques?



Method of questioning

1 Riddle master

master reads out loud the story

5 participants asking questions

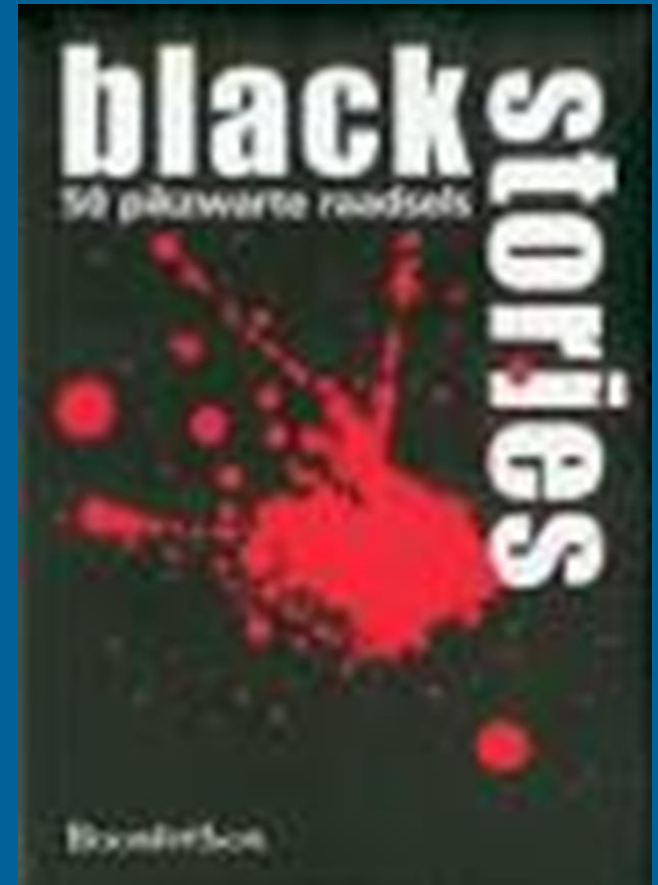
Try to solve the black story

Riddle master gives only
yes/no answers

The riddle master is always right

Time for the solution

and back in class 30 min.





Type of interview questions

Open ended

A lot of information

Specific open ended

Specific on a topic

Close ended

Less information just yes or no

Check

Yes or no

Alternative or choice

He can make his own choice

Why

Justify himself

Series of

Answer on which question?

Leading

Looking for an answer



Miscommunication

<https://www.youtube.com/watch?v=gCfzeONu3Mo>





Communication is complex

There is a difference between passive hearing and active listening

Listen with your ears and eyes (verbal and non-verbal)

Communication is interaction, listen to what the other person wants to say,
don't interrupt

Communication is a two way street

There is always a relationship between the conversation partners

No assumptions and no judgment

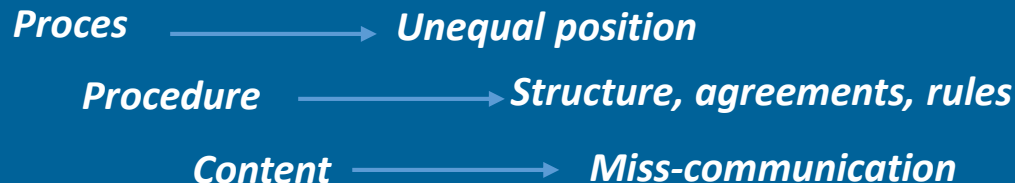
Be aware of your personal perceptual filters



Transactional model



Where does it go wrong?





Goals
Results

Content

Communication
techniques

Structure
Agreements
Rules

Procedures

Setting rules
Making agreements
Explain: structure
allegation
their rights

Unequal position
Conflict of interest
Rules
Emotions

Proces

Create a working relation
Give feedback
Reflect on emotions

Lies, conflicts
secrets

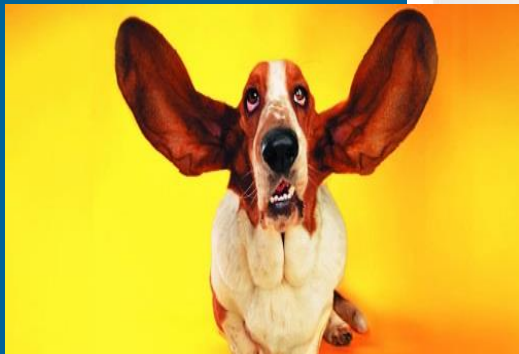
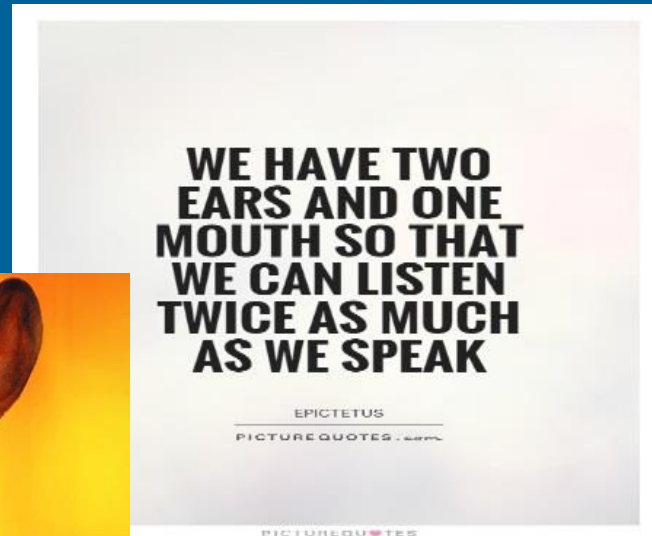
Confront with facts
and evidence



Through process and agreements to content

No relation
No information

How to create a relation?

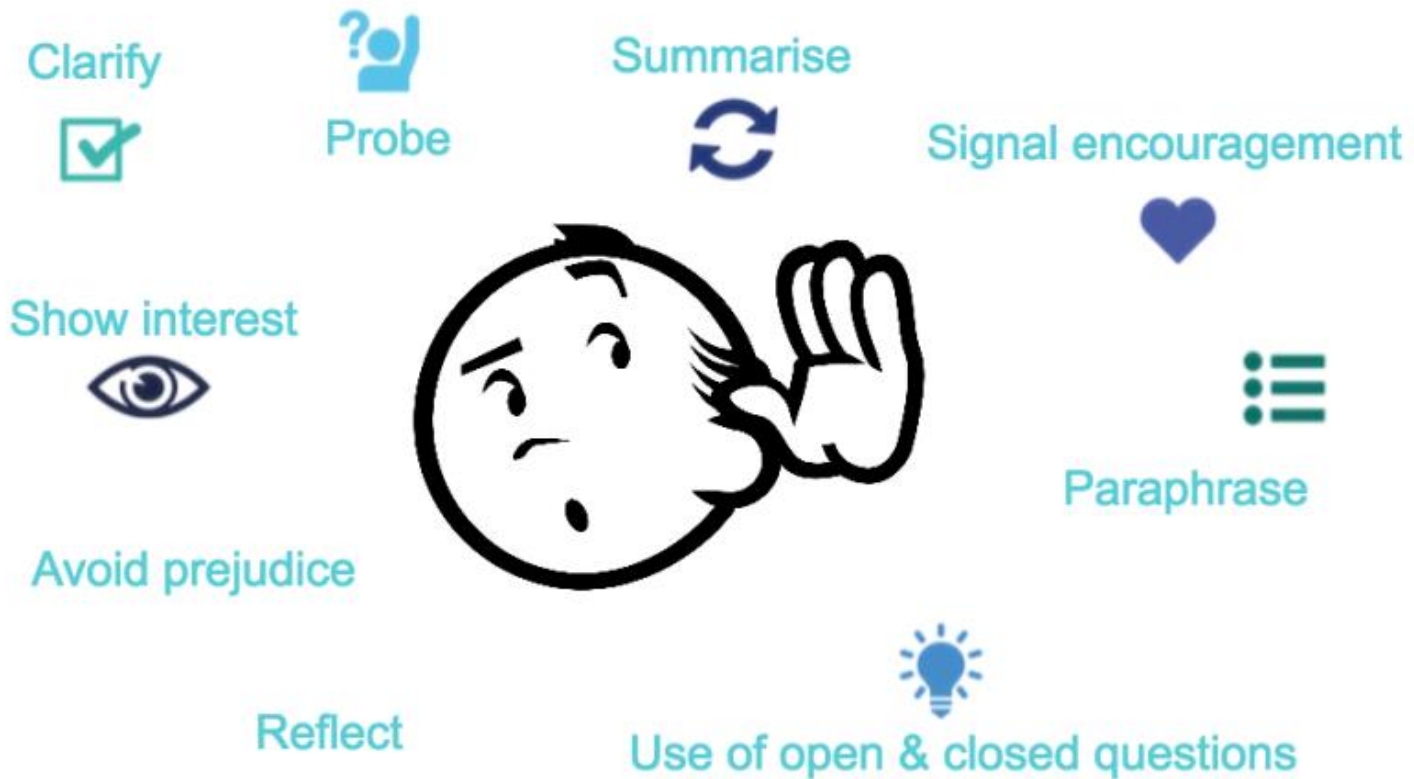


Is what we see reality?





Communication techniques



Jiwon Han 18720352



Communication techniques



*Emotional
reflection*

Silence

Summarize

Confrontation

*“Closed-ended questions
have specific responses in mind”*



Asking the question is giving the answer

Question

•Did you see the black Ford pick-up?

•Did you see the black pick-up?

•Did you see the pick-up?

•Did you see the car?

•What did you see?

Follow up question

Summarise.

If I heard it correctly, you saw a black Ford pick-up!

•What is the mark of the black pick-up?

•What is the colour of the pick-up?

•What kind of car did you see?

Answer

That's correct

It was a Ford

It was a black pick-up

I saw a pick-up

I saw (story) and a car



Interviewing and (fals) memories



How reliable is
(y)our memory?



Memory



4 oktober 1992

Many people remembered the 8mm movie shown on the eight o'clock news of the impact of the Elal Boeing 747?





Memory



2002 sniper attack
Washington DC

Witnesses and police officers of later attacks remembered seeing a white van or small truck



Thesis *yes/no*

The assurance of a witness that it is a correct recollection is a good qualification of the correctness of that recollection. ~~X~~

Right after the event we forget most of the details.
Later on we forget details. ✓

A witness can separate his own memories from information obtained from the police of an event. ~~X~~

Answers on specific questions (what was the colour of the car) are more often correct than answers on general questions (what can you tell me about the car). ~~X~~

The observations of police officers are more often correct than those of common people. ~~X~~



Thesis *yes/no*

If a witness makes mistakes in remembering details, that is an indication of inaccuracy of the entire statement. **X**

The memory is like a video recording. To remember something you just play it in your head. **X**

Witness statements of people older than 55 are more often less correct than those of younger people. **✓**

When you close your eyes you can remember more/better. **✓**

If a witness mention details of an event he didn't mentioned in an earlier statement, than these details are more often incorrect. **X**

Telling repeatedly of what has happened makes the story stronger and more resistand to changes. **X**



Memory

Recollections are your memory, your
memory are your recollections

Read

Write

Count

Talk

Adres

Mother

Father

Sister

Brother

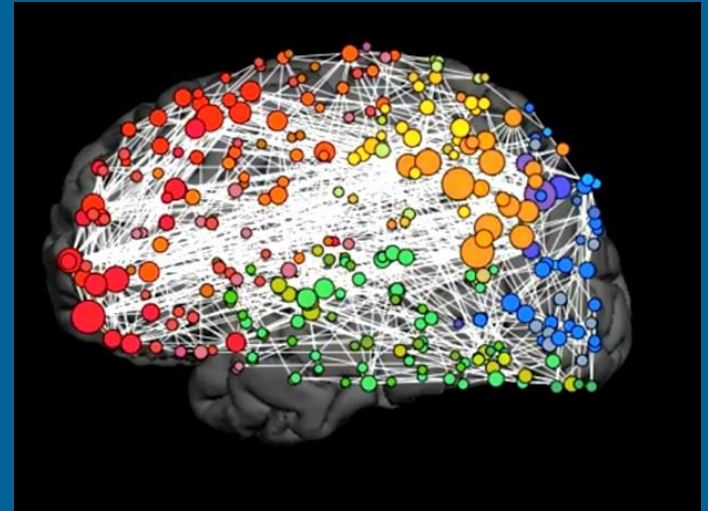
Profession

Etc. etc

*These are
all recollections*

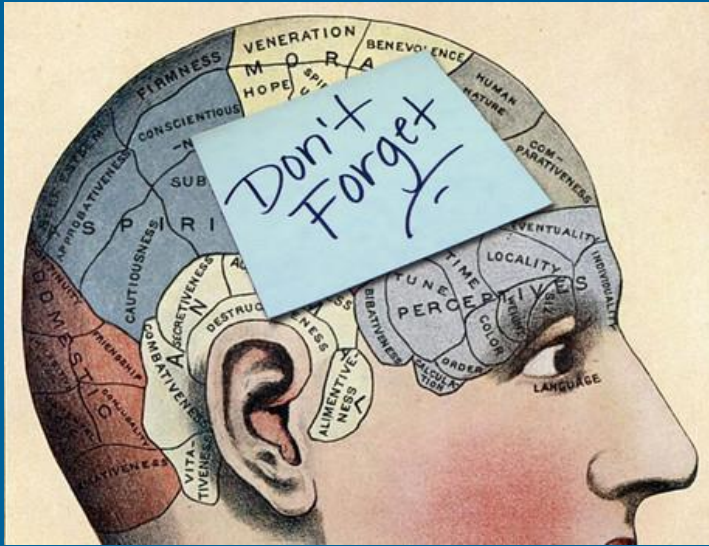


That is (makes) you

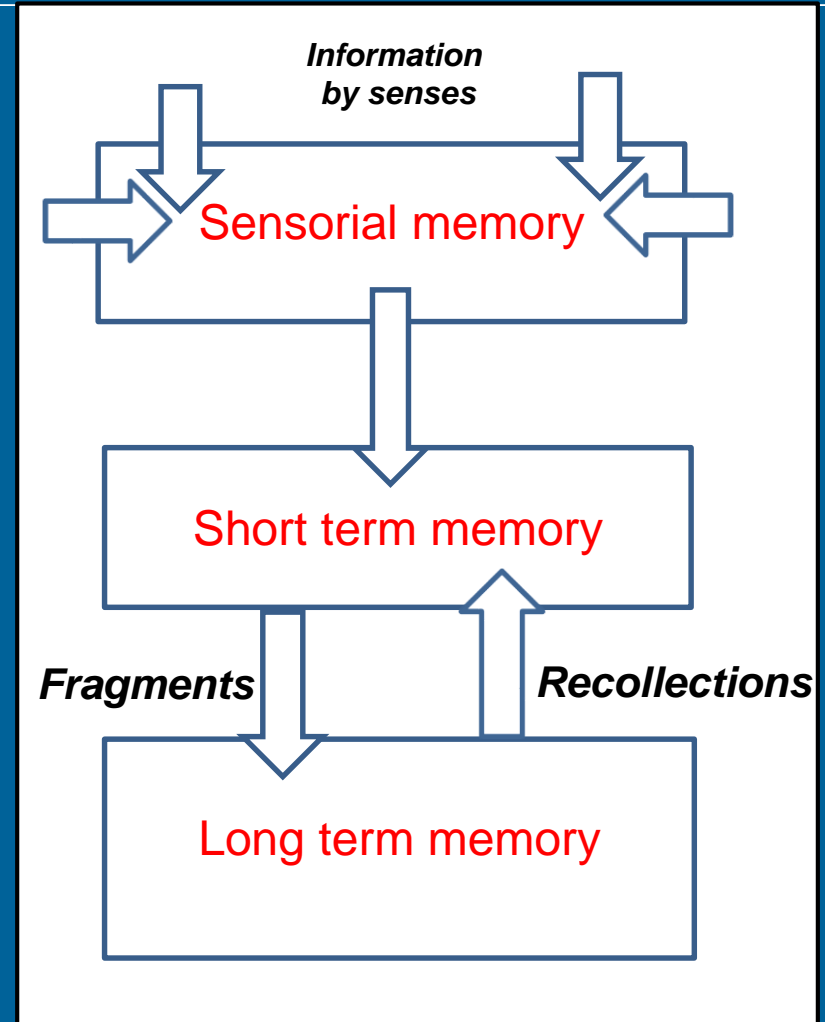




Memory



How does
the
memory
work





The memory and his



Volatillity

memories fade

Absence of mind

insufficient of focus

Blockage

you know it, but you can't say it

Wrong attribution

recollection connected with wrong person, place or time

Suggestion/misleading

distorting of recollection

Bias

your perceptions, values and standards

Persistence

you just can't forget it



Innocent people don't confesse

YES or NO

They have no memories of the crime,
so they can't confesse

And still it happens

Inplanting false memories



Innocent people don't confesse



Professor Brandon Garret, 25% false confessions in US



Innocent people don't confesse

Questions

Pressure

Giving
information





The danger of leading questions



4 oktober 1992

Did you see the 8mm movie
of the impact of the Elal Boeing 747
broadcasted on the eight o'clock news





The danger of leading questions



2002 sniper attack
Washington DC

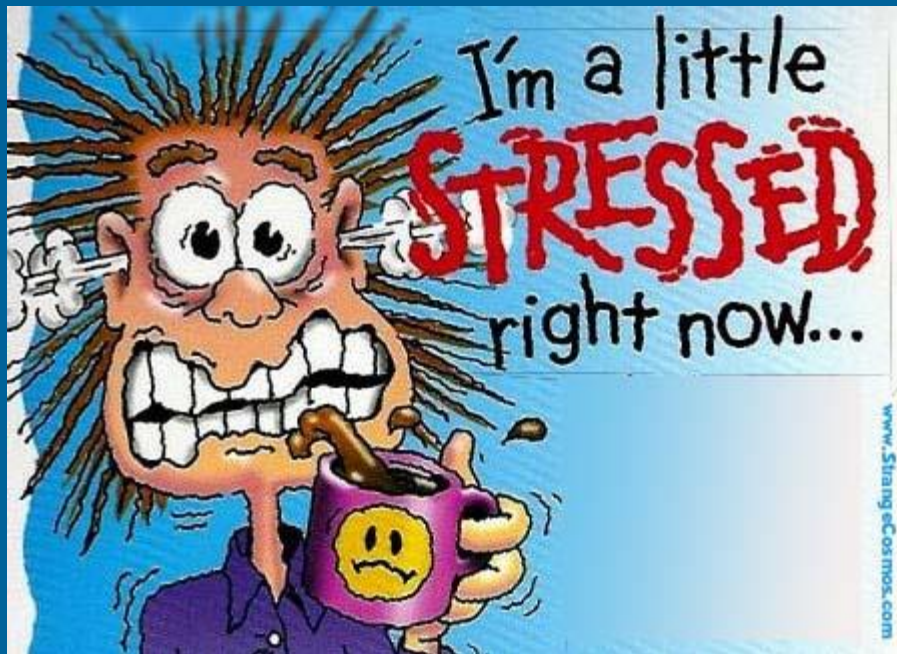
Media broadcast this
information

Witnesses and police officers
of later attacks remembered
seeing a white van or small
truck





Pressure



The effect of
pressure



Pressure

What types of pressure ?

External



Don't do that !

Internal



Will I do that or not?



Pressure

Iwao Hakamada



Holds the records off:

48 years in prison

46 years on deathrow

46 years in isolation

He was innocent

It started with:
a confession
under pressure.



Pressure and Presumption of innocence

Suspect

- Arrested (based on reason of guilt)
- Put in a police cell
- Lengthy interviews (several hours and several days)
- Denies the allegations
- Feeling that the investigators don't believe him



Pressure and Presumption of innocence

Investigators

- Convinced the suspect did it and become frustrated
- Everybody is focused on the suspect
- They reject exculpatory evidence/statements
- Formulate the questions more sharply
- Unconsciously 'leaking' information only the offender can know
- Repeat the same questions several times



Pressure and Presumption of innocence

Suspect

After some time the suspect 'breaks'

He makes a statement with the information only an offender could know!

Investigators

We were right, he did it, we knew it all the time, he did it!!!

What could have happened?



Pressure and Presumption of innocence

The suspect has unconsciously absorbed the specific information given by the investigators. This specific information, only known by the offender and the investigators, the suspect included this in his answers.

It seems that the suspect's statement is based on his personal knowledge.

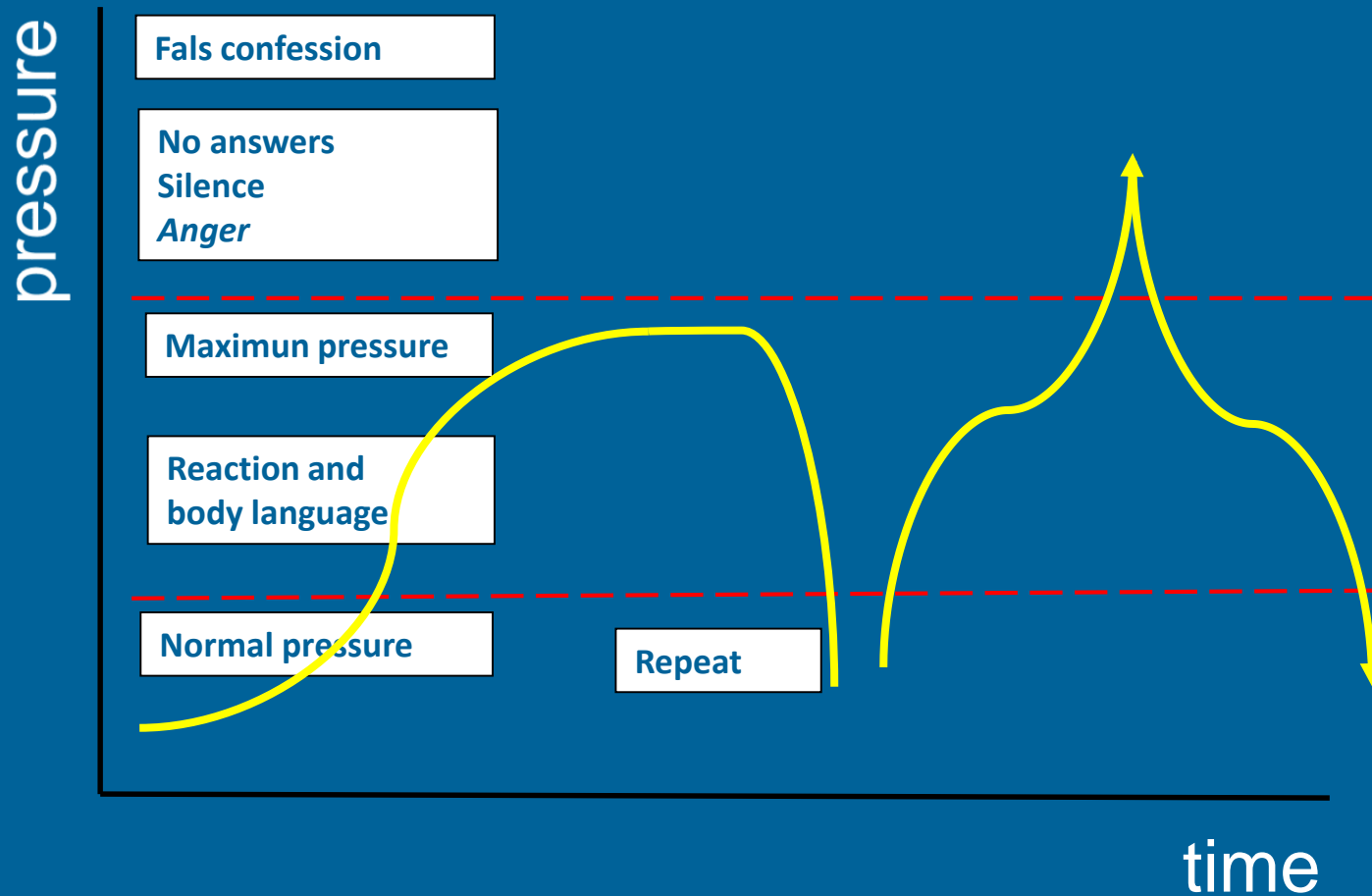
Actually the memory of the suspect was in fact influenced by the investigators.

This is an example of a false memory

This is result of pressure and misleading questions



Internal pressure





Pressure

External (art. 6 ECHR)

- Physical violence
- No sleep
- Loud music entire day
- No light
- No drinks/food
- No lawyer
- Promises
- Gifts
- Abuse of authority
- Deceit
- Mislead
- Ect.

Internal

- The arrest
- Open questions (7W's)
- Follow up questions
- Summarize and check questions
- Confrontations with facts, documents & inconsistencies
- Each lie he has to remember, the truth is always present
- If he gives an explanation investigate instead of not believing him



Pressure

Why is it
hard
to confess?





Pressure



What are the conflicts the suspect is dealing with on that moment ?

SHAME

Norms and values

- Of the person
- Of the society
- Culture
- Religion

Lost items

- Marriage
- Children
- Friends
- Neighborhood
- Social position
- Status
- Economic



Pressure



On that moment there is a conflict
the suspect is dealing with?

What can you do to help the suspect ?

Emotional reflection
Tell him what you see



Resume

Different methodes of interviewing

(Mis)communication

Communication techniques

Memory

In- and external pressure

Misleading questions and false confessions



Phase 1 Preparation of person

- Gather as much knowledge as possible about the person
 - Building up a good **working relationship**
- Draught an interviewplan



Planning an interview

SIS method

- Preparing Outline
- The seven K's
 - Know your legal system
 - Know your case
 - Know the facts/leads
 - Know the crime scene
 - Know your witness/suspect
 - Know your colleague
 - Know YOURSELF
- The seven **Golden W's**
 - **Who** person
 - **What** involvement
 - **Where** place
 - **When** time
 - **Why** motive
 - **With what** 'wapon'
 - On what **Way** how realized



Preparing an outline

- Explore your evidence, do you understand what the evidence is telling you?
 - Make a timeline
 - Make a proper order of the topics
- Write down all the questions you want to ask about each topic, go over them a few times
 - Select the main questions of each topic (the others are in your mind)
 - Remember the 7 **Golden** W's



Preparing an outline

- The evidence and timeline
- The main questions
- It allows you to:
 - Active listening and to be open minded
 - Follow up question
 - Staying in contact with your witness or suspect
- It prevents you of:
 - Finishing a shopping list



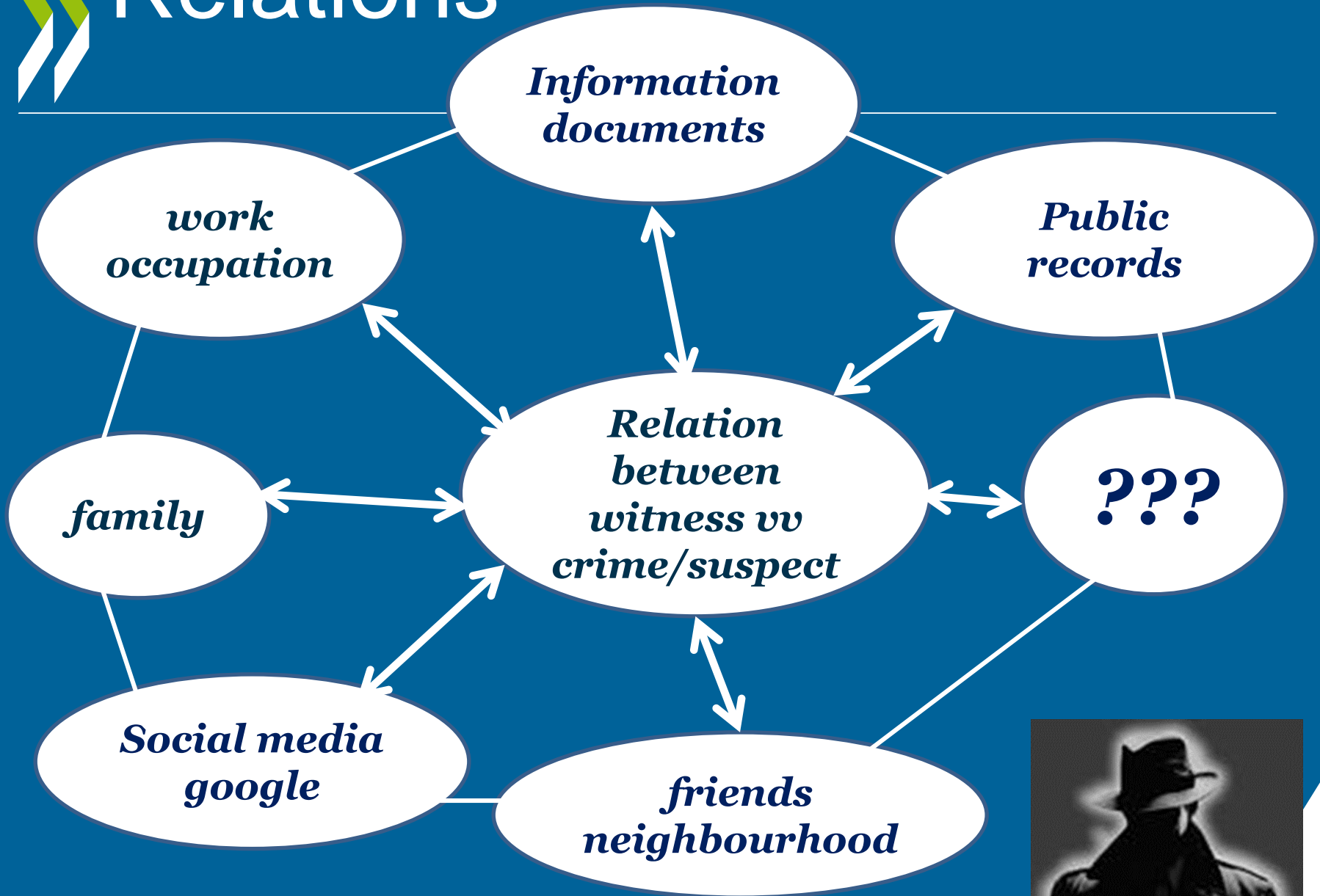
You are planning an interview

What do you want to know
about this
person in advance?





Relations





Selecting a witness

What is the position of the witness in the investigation?





Contacting interviewee

- Co-operate
- Polite/friendly
- Show respect
- Ask questions don't give orders
- Use the same words
- Observe non-verbale behaviour
- Use your voice
- Dress code
- Keep control

**YOU ONLY GET ONE CHANCE TO MAKE
A FIRST IMPRESSION**



Phase 2 The person-focused interview

- The goal is
 - Explaining the procedure
 - Making contact
 - Building up a **working relationship**
 - Testing and supplementing information
 - Normalising the tension level
 - Observing behavior
 - Gathering or reinforcing tactical clues
 - Testing suspect is willing to make a statement



Phase 3 The case-focused interview

➤ the interview plan

- Topics for discussion
 - Review evidence en tactical clues
 - Possibly new connections
- Classifying topics from minor to major
 - Building up internal pressure
- Compiling the surrounding questions
 - Closing escapes
- Preparing confrontations





Confrontations

- Summarize the statement of the topic
 - So if I get it right,
 - What is said by the suspect and heard by the interviewer are the same
 - Suspect can make corrections
 - We (suspect and interviewers) agree on this
- Followed with confrontation of tactical clue/evidence
 - How can it be that (source and be neutral)
 - Silence and observing the non-verbal behaviour of the suspect
- Soft on the relation, hard on the contents



Rewarding behaviour/reinforcers

- Adjusted his statement
 - Finally, was it so hard to say?
 - Well well, there we finally have it!

- What is the effect?

- More effectief is?
 - Desired behaviour is rewarded!!!
 - Thank you, you have cleared things up
 - Okay, thanks
 - Perfect
 - Fine, it is clear to me now



Phase 4 Report of the interview

➤ Best practice

➤ Audio-visual recording

- Everything will be recorded, including non-verbal behaviour (of the suspect and the interviewers)
- The official report of the interview is compiled afterwards on the basis of the recordings

➤ Second best practice

➤ Question and answers

- Question is written down and the answer given is written directly underneath



Funnel

The
7
K's

The 7
GOLDEN
W's

- Suspect :Explain the allegations, does she / he understand it
- Witness:Explain why en what, does she / he understand it
- Explain his / her rights
- Calm down
- Getting on speaking terms
- Create a working relation
- Getting a general picture of the suspect
- How does she / he react / behave

- Interview (on a topic)
- Chronological
- Details
- Confrontations with facts and documents

- Explain how further
- Make arrangements
- Give information

PHASE: 1 preparation

PHASE: 2 FOCUS ON THE PERSON BEHIND THE interviewee

Communication techniques

General questions
get in contact
Emotional reflections

Observe the body language

PHASE 3: FOCUS ON THE ALLEGATIONS, THE FACTS AND DOCUMENTS

Know your case, 7K's
Prepared outline

Line of questions, the 7W's, active listening, paraphrase and summarize frequently

Confront with evidence, make use of silence and emotional reflections

PHASE 4: CLOSING INTERVIEW

Check the testimony

How further from here



Resume

- Preparation is foundation
- The 7 K's
The 7 W's
- Explore your evidence again and again
- Make a timeline
- Prepare an outline
- Opening sets tone
- Conduct the interview according to the funnel model
- Goal: gather information
- Record the statement



Improve the Art of Interviewing

- Skills improve with training, practice, practice, practice and coaching.
- Process should flow naturally.
- Show empathy.
- Understand communication techniques and behaviour
- Be alert for exculpatory statements.
- Be alert of influence



Interviewing, so much more than just asking questions



End of presentation

