THE ART OF INTERROGATION
Goal of Investigator During the Interrogation

- Enabling the suspect to cooperate with the interrogator
- Obtaining the confession legally
  - Tricks vs. Legally defensible techniques
- Finding the **TRUTH**
Role of Interrogation in Investigation

- Interrogations should be viewed as part of the entire investigative process
- Interrogations are no more important than any other part of the investigation
- Interrogation is not a substitute for a thorough investigation
“The defendant’s own confession is probably the most probative and damaging evidence that can be admitted against him.”

Justice Byron White
Bruton vs. U.S.
Practical Legal Considerations

- Voluntariness of the confession is the fundamental issue in determining admissibility.

- “Totality of the circumstances” is the test for voluntariness.
Totality of the Circumstances

Suspect’s:

- Age
- Intelligence, education
- Personality
- Physical and mental condition
- Experience with Criminal Justice System
Practical Legal Considerations

While the judge decides if a defendant’s statement is admitted into evidence
Practical Legal Considerations

The jury *ultimately* decides if suspect’s statement is voluntary and will be used as evidence against the defendant.
Observation
Observation

Evaluate Suspect Against Themselves.

Evaluate Suspect Behavior in Context of the Situation.
Observation

Verbal: Behavior encompasses actual words spoken, choice of Words, tone of voice, and speed of delivery.
Observation

NONVERBAL: Behavior of facial Expressions, Body positioning, posture and movements.
Observation

**Leakage:** True feelings or attitude leak out through uncontrolled body language.
Observation

**Emblems:** Nonverbal gestures translated into or substitute for words.
Observation

**Illustrators:** Hand / arm movement used when speaking to illustrate or describe what is being said.
Observation

Autonomic nervous system:
Changes body’s physiology.
Heart rate increases.
Breathing becomes deeper.
Perspire.
Flushing of skin.
Carotid artery.
Observation

CONGRUENCE: Means equal or the same. Truthful verbal and physical behavior matches.

INCONGRUENCE: Words or physical behavior does not match.
The Greeting
The Handshake

Straight and level with each other:
Treat each others as equals.

One over the other:
One on top is showing dominance.

What is the firmness?
The Handshake

Is interviewee reluctant to shake?

Is the hand / arm trembling?

How is their body positioned?

Is there eye contact?
Truthful-vs-Untruthful

Truthful Eye Movements: 40% to 60%.
Warmth and depth.

Untruthful: Poor contact, bug-eyed, closing when denial made
Truthful-vs-Untruthful

Truthful Mouth position:
Spontaneous relaxed smile.

Untruthful: Phony smile, smirks, hand over when talking. Dry mouth, licking of the lips.
Truthful-vs-Untruthful

**Truthful Nose**: Won’t constantly be touched.

**Untruthful**: Uses hand to rub to hide eyes and or mouth.
Truthful-vs-Untruthful

Truthful Verbal Behavior: Respond directly and timely to question. Not afraid to use killed, murdered, raped, etc.

Untruthful: Vague, stammering, long pause, interrupting.
Truthful-vs-Untruthful

Truthful Excuses or Explanations: Don’t give any, answer direct and wait for next question.

Untruthful: Get story out before asked, why they could not do crime.
Truthful-vs-Untruthful

Truthful Uncheckable Sources: Don’t give any.

Untruthful: Gives uncheckable sources or people who would not give any derogatory info.
Untruthful

Focus on Irrelevant Points.
Excessive Politeness or Respectfulness.
Helpfulness.
Delays answer.
Repeating question.
Responding with a question.
Untruthful

Memory Problems:
Selective Inability: Use to stall.
(use factual Interview)

Selective Good Memory: Recall things that prove noninvolvement.
Class Exercise
Eye Movements

1. What was the color of your first car?

2. What would the baby of a dog and cat look like?

3. What would sand paper feel like on your fingers?
Eye Movements

1. **Up to the left:** Recalling something visually actually experienced.
   **Straight across left:** Something we actually heard.

2. **Up to right:** Visually create image.

3. **Straight across right:** Creating sound.

4. **Down Right:** What touch feels like.

5. **Down Left:** Emotional /Submission
Submission

Withdraws emotionally.

Eye contact almost zero.

Head Drops.

Body slumps.

Feet on floor.
Submission

Interrogator:
Recognize it.

Shorten theme questions.

Repeat them more often.

Close space between you.
Interrogation Process & Strategy
Strategy

Good Guy/Bad Guy

Factual Approach

Emotional Approach
Good Guy/Bad Guy

Made famous by TV/movies.

May verge on intimidation and coercion.
Factual Approach

Who, what, when, where and why. Extensive Investigation.

Lacks inclusion of “Rationalization”.
Emotional Approach

Not on circumstances or details

Reason Why?

Rationalizes with Suspect.

Allow them to save face.
Emotional Approach

Modify with Factual Approach.

Establishes your credibility.

Establishes Guilt and allows suspect to save face.
Themes

Suspect is given an opportunity to confess in a manner that:

- is psychologically acceptable to him
- makes behavior appear less reprehensible
- minimizes the gravity of the crime
- transfers some or all of the blame to others
- allows them to be seen as the “victim”
Themes

Fatal Abuse

Less Severe
- Accidental
- Isolated incident
- Impulsive
- “Shaken Baby”
- Neglect

More Severe
- Intentional
- Chronic abuse
- Intentional
- “Battered Child”
- Intentional
Blame Alcohol & Drugs

- They depress inhibitions
- They make people aggressive
- They impair judgment
- “You wouldn’t have done that if you were sober, would you?”


Suspect Themes

- Criminal record
  - No record - this is first mistake
  - Record - “Society” failed to help them
- CPS history
  - CPS failed to help them
- Suspect was abused as a child
- Lack of sleep
Interview and Interrogations
Causes of Denials

- Perceived lack of evidence.
- Unconvincing behavior / Interviewer.
- Poor Questioning techniques.
- Seriousness of the Lie.
- Lack of rules.
- Consequences versus Justifications.
Interview and Interrogations
Reducing Resistance

- Minimizing the Seriousness.
- Offering a Positive Outlook.
- Avoiding Threats or Promises.
- Motive?
Interview and Interrogations
Obtaining the Admission

- Behavior of suspect in Submission.
- Transition Statement.
- Soft Accusation.
- Acknowledging Acceptance.
Interviews and Interrogations
Ending the Interview

Professional Close.
Sexting - OMG INBD

Oh My Gosh It’s No Big Deal
Goals and Objectives

1. What is Sexting?
2. Who is doing it?
3. What are the consequences?
4. How do we handle it?
Then and Now How Fast It Changed
Most teen cell phone users make 1-5 calls per day

% of teen cell phone users who make that many calls per day

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>3%</td>
</tr>
<tr>
<td>1-5</td>
<td>58%</td>
</tr>
<tr>
<td>6-10</td>
<td>20%</td>
</tr>
<tr>
<td>11-20</td>
<td>13%</td>
</tr>
<tr>
<td>21-30</td>
<td>2%</td>
</tr>
<tr>
<td>30+</td>
<td>4%</td>
</tr>
<tr>
<td>Don't know</td>
<td>3%</td>
</tr>
</tbody>
</table>
Photo-taking and -sharing are most popular features on teens’ cell phones after texting

The % of teen cell phone owners who have the following functions on their cell phones
Parents Don’t Have a Clue
“Sext” Speak - Teenagers

1. 8 – Oral sex.
2. 9, Code 9 – Parent is watching.
3. 143 – I love you.
4. ASL – Age/Sex/Location.
5. BOB – Battery operated boyfriend.
6. DUM – Do you masturbate?
7. GAP? – Got a picture?
8. KFY – Kiss for you.
9. LMIRL – Let’s meet in real life.
10. IPN – I’m posting naked.
11. GNOC – Get naked on camera.
12. GYPO – Get your pants off.
13. FB – F**k buddy
15. RUH? – Are you horny?
16. TDTM – Talk dirty to me.
1. TKAWTHDTW – The kids are with their dad this weekend.
2. ICTIC – I cant tonight; I’m constipated.
3. YSGTMCO – You should get that mole checked out.
4. CWOOL – Crap we are out of lube.
5. Isthholc! – I survived the lay offs; let celebrate!
6. YMMF18A – You make me feel 18 again.
7. Cypustpoywht? – Can you pick up some toilet paper on you way home tonight?
8. IDLLNT – I’ll definitely last longer next time.
9. BGTMO – Bald guys turn me on.
What is Sexting

The Urban Dictionary provides us with this definition:

v: the act of text messaging someone in the hopes of having a sexual encounter with them later; initially casual, transitioning into highly suggestive and even sexually explicit
What is Sexting

Wikipedia provides us with this definition:

**Sexting** (a portmanteau of *sex* and *texting*) is the act of sending sexually explicit messages or photos electronically, primarily between cell phones.
Who is Sexting

One Recent Survey by conducted by Tru indicated:

• 20% of teens overall
• 22% of teen girls
• 18% of teen boys
• 11% of young teen girls (ages 13-16)
Teens who’s parents searched phones were no more or less likely to send /receive sexual images.

It’s done as part of a relationship or would-be relationship.

Part of teen culture /less intimidating, more convenient.
Federal Laws Pertaining to child pornography:

- A person commits the offense of sexual exploitation of a minor if, he/she:
  - Records, photographs, films, develops, or duplicates material that contains a visual representation depicting a minor engaged in sexual activity.
This one action can result in multiple felonies in less than a minute.

Taking a child pornographic photo is production of child pornography.

Sending it is distribution of child pornography.

Everyone who keeps the photo on his or her phone could be charged with possession of child pornography.
Other Consequences

Human Resource personnel are scouring the internet during the hiring process.

Colleges are now searching the social networking sites and the internet to see what is posted about prospective students. The actions of sexting may stay with them for the rest of their life.
It requires everyone’s participation

Parents need to be more involved in the situations children put themselves into.

Prosecution and Law Enforcement need to find the best avenues to deal with the offenders.

Schools and the Community need to take a stand to help educate and cooperate with Law Enforcement/Prosecution.
Cellular Monitoring

**Mobile Spy** - Records phone logs, text messages, e-mail, photos, videos, sites visited, GPS and uploads data to online account via the Internet. User does not know it’s there.
Cellular Monitoring

My Mobile Watchdog.org

Basically same as Mobile Spy but user knows it there.
FIVE THINGS TO THINK ABOUT BEFORE PRESSING “SEND”

Don’t assume anything you send or post is going to remain private.

There is no changing your mind in cyberspace—anything you send or post will never truly go away.

Don’t give in to the pressure to do something that makes you uncomfortable, even in cyberspace.

Consider the recipient’s reaction.

Nothing is truly anonymous.
Legal Issues
Obtaining Information

- Court Order / Subpoena
  subscriber, billing and maybe text but no images

- Seize phone and charger

- Parents don’t require legal process
Their Safety: Your #1 Concern

Communicate With Your Children
Know Where They Are

- Know their daily habits
- Know their friends
- Check in with them
- Have them check in with you
- Be involved in their activities
Know Where They Are

- Know their daily habits
- Know their friends
- Check in with them
- Have them check in with you
- Be aware of their activities
Know Where They Are

- Know their daily habits
- Know their friends
- Check in with them
- Have them check in with you
- Be aware of their activities

ONLINE
ALERT! Have you seen these children?

ISABELLA MILLER-JUNINO
Missing since: Jan 1, 2010
BEDFORD VA

TYL LEINEN
Missing since: Mar 14, 2010
POPLAR MT

KAYLEAH WILSON
Missing since: Mar 20, 2010
GREELEY CO

Quick Search for Missing Children

Female Male
Select a State (USA only)

Missing within Year(s)

More search options

Donate Today!
Help Prevent Child Abduction and Sexual Exploitation

The CyberTipline
Report Child Pornography or Suspected Child Sexual Exploitation to the CyberTipline

National Missing Children's Day is May 25
Our Goals Have Now Become Your Mission

- To apprehend offenders and facilitate a successful prosecution in order to prevent further victimization.

- To identify children who have been sexually exploited by online predators.

- To assure that both the child and their family are provided access to all available resources to aid them in their recovery.
Detective Richard Love (Retired)
Fort Lauderdale Police Department.

Former Consultant for the FBI Crimes
Against Children Unit Miami, Florida