

# Interviewing

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## I. **Definitions:**

*Interviewing- The Criminal Investigations Procedural Manual* for the International Association of Chiefs of Police defines interviewing as, "the process by which an officer obtains and evaluates information given to him by persons having personal knowledge of events or circumstances of a crime."

An interview is a planned conversation by the interviewer, where he or she gathers information pertaining to an investigation or a physical event, and is willingly given by the interviewee.

## II. **Objectives:**

1. Identify those who are responsible for the crime and to eliminate the innocent from suspicion.
2. Answer the questions "who," "what," "when," "where," "why," and "how."

## III. **The Four Types of Interviewees:**

1. *Complainants*- a person who requests that an investigation or some kind of action be taken. This person is often the victim of the crime.
2. *Witnesses*- a person who saw a crime or part of it being committed or has relevant information pertaining to it.

3. *Victim*- a person who has been affected or injured by a crime.
4. *Informant*- a person that can provide information related to a case and who is not a complainant, victim, or witness.

#### IV. **Starting:**

- How you start is very important.
- This is where the interviewee and interviewer evaluate each other and either establish or lose communication.
- Be positive in your approach, but let the person "save face" if necessary, so they can provide more information.
- Show respect to the interviewee.

*Rapport*- is the understanding between individuals created by a genuine interest and concern.

1. Be friendly and professional
2. Begin by identifying yourself and who you are. (ex: Officer Johnson)
3. Ask general questions about the crime before going into the details.

\*Hint\*

- Interviewers who are proper and civil may receive a surprising amount of useful information.
- If the interviewee is nervous, frightened, in panic, etc. rapport is necessary.
- Toni Wood states- "A person will tell you his secrets only if he feels safe. Your job from the first handshake is to put your subject at ease

*and* to build his trust in you as a professional."

## V. **What to Do?**

1. If there are any injured victims, call for backup, medical attention, and start treatment. Do not perform treatment for which you are not trained.
  2. An officer should obtain the following information from witnesses, as well as the victim; in order to contact them later if needed or to notify their families:
    - a. Name
    - b. Address
    - c. Telephone number
    - d. Place of employment
    - e. Their statements
- It is imperative to interview witnesses separately.
  - Check names and addresses against identification. (i.e. License, photo ID)
  - Obtain witnesses' information carefully and quickly, because they might drift off into the crowd and disappear.
  - Interview complainants first because they can provide information to determine if a crime has been committed. Do this only if they are not in panic or a state of shock.
  - If the interviewee is in a state of panic, frustration, or anger remain calm and detached, but show sympathy and understanding.
  - The most important thing to do is to take notes and document the information given.

## VI. Characteristics of an Interviewer:

1. *Active Listening*- This is an important skill. It helps you to understand the messages that interviewees are trying to convey and to pick-up on important and sometimes crucial details in the conversation. Active listening is projected by the interviewers' actions to show the interviewee that he or she is listening to what is being said. Examples of active listening are body movement, hand gestures, facial expressions, tone of voice, and eye contact.
2. *Adaptability*- A person's cultural background, ethnic background, and experiences affects your ability to understand people. Meet them on their own level or find a common ground.
3. *Self-control and Patience*- Be sympathetic yet uninvolved. Wait for the interviewee's response and do not rush them; pressuring them can make them say something they did not intend to say and make them feel tense, as well as agitated.
4. *Confidence and Optimism*- Do not assume that because the person you are questioning is a hardened criminal, has an attorney, is hostile, or better educated than you are that there is no opportunity that exists to obtain information. Be confident show that you are in command and know what you are doing. If the interviewee steers away from the subject, direct the discussion back to the topic.
5. *Objectivity*- Avoid any personal preconceived ideas about the case or interviewees. Beware of any personal prejudices that can interfere with your questioning.
6. *Knowledge of the Elements of the Crime*- Know information needed to prove the elements of the crime you are investigating. Phrase questions to obtain information related to these elements. Every

police jurisdiction is different in determining the elements of a crime.

Elements in a burglary are:

1. Knowingly entering, remaining unlawfully in house, or a dwelling.
2. With the intent of committing a crime therein (New York Penal Law section 140.20).

However, it is different in other jurisdictions. In some areas, it must be a theft.

The elements for a robbery are:

1. In the course of committing larceny.
2. He or she uses or threatens the immediate use of physical force upon another person (New York Penal Law section 166.00).

Know what the elements are needed for a crime to be committed in a given jurisdiction.

*Things to Avoid:*

- *Interviewer Bias*- tendency of the interviewer actions to influence, directly or indirectly, the interviewee to respond in a way that he or she did not intend to, or distort his or hers communication to please the interviewer.

- Do not misquote or misinterpret them.
- Do not show disrespect for subject.
- Do not judge, condemn, censure, ridicule, or belittle them.
- Do not create a barrier.

Barrier- ingrained attitudes, prejudice, fear, anger, *self-preservation*, etc.

## VII. **Techniques:**

1. When Questioning or Speaking to the Interviewee:
  - a. Speak clearly. Do not rush what you are saying.
  - b. Choose questioning carefully. Do not use compound questions; keep them simple and direct.
  - c. Narrative questions provide more information. Avoid using "yes" and "no" questions.
  - d. Follow up on previous question.
  - e. Avoid using the words "should," "shouldn't," "could," and "couldn't." It can make them uptight and agitated.
  
2. Good Listening Skills-
  - a. Do not interrupt the interviewee.
  - b. Have an ear for detail- see if the interviewee is speaking rapidly and changing their tone of voice. Most importantly, listen to their answers to the questions.
  - c. Listen with all the senses- see if they are nervous,

shaking, or fidgeting around.

- d. Show the interviewee that you are listening- use body language. "The Head Nod," "Eye Contact," "Arm and Hand Gestures."
- e. Set goals in your mind of what you want to find out.
- f. Be patient. Pauses can help the interviewee provide more information and make them think about their answers.
- g. Facial expressions at appropriate times.
- h. Moderate rate of speech.
- i. Lean slightly in to show interest.

*Note: Interviewees look for these to see if you are listening.*

1. An officer can work through reluctant interviews if he or she appeals to the interviewee's reasonable or emotional side.
  - a. Logical Approach- uses logic or reason to determine why a person refuses to cooperate. Explain to them the benefits of cooperating and the disadvantage of not cooperating. An interviewer can state the problems that can result when a person holds back information about a crime.
  - b. Emotional Approach- addresses such negative feelings as hate, anger, greed, revenge, pride, and jealousy. An interviewer can increase or decrease these emotions from the interviewee. If this type of approach is not used properly it can upset the interviewee and no information will be obtained, or they may become

violent.

### VIII. **Nonverbal Communication:**

- An exchange of ideas or concepts non-verbally.
  - 10%- 15% of any given information is verbal context.
  - 85%- 90% is nonverbal communication.
1. *Para-verbal communication*- the three elements are the tone, the volume, and the cadence. One sentence can be put so many ways by just changing one of the three elements. (I.e. "Could you tell me what I want to know?")
  2. *Proxemics* - personal space. An "invasion" of an interviewee's personal space tends to be perceived as a threat or it can make them feel uncomfortable.
    - It varies between an individual.
    - 1½ to 3 feet is the critical distance for most people.
    - 2 to 3 feet in some cases can make a person feel uncomfortable.
  3. *Kinesics*- is body movement and hand gestures. It sends a significant nonverbal message.
    - Best way is to stand on an angle to the person, keeping a distance of at least one leg length.
    - Keep hands in plain view, at your side if possible.
    - An interviewer does not want to send an aggressive or threatening message to the interviewee; he or she wants to send a supportive and friendly stance.



- Monitor the feedback the interviewee provides to see if you are sending the right message. Do not automatically assume that the interviewee has received the message that was intended.
- When interviewing look for signs that the interviewee might behave violently. (I.e. clenched fists, tightening of facial muscles, standing in a fighter stance, staring at a body part as if to attack it, salivating, etc.)

IX. **Enhancing Communication and Clarification:**

1. *Paraphrasing*- using feedback of what the interviewee has stated into shortened and clarifying comments.
2. *Summarizing*- summarizing what the interviewee has said and stating back to them their thoughts, actions, and feelings.

Summarizing and paraphrasing should be used after the details have been provided. This helps to clarify any miscommunication and gives the interviewer a better understanding.

3. *Echoing Keyword*- repeat the keyword in what the interviewee says. This also clarifies what the interviewee means.

For Example:

*Complainant*- That man was strange.

*Interviewer*- Strange?

-Or-

*Witness-* I could not believe he would do that.

*Interviewer-* Do what?

### *Open Ended Questions*

Ask questions that are direct and require a narrative answer. Also help the interviewee elaborate their response, ask them "and?" or "oh?" after some statements. This shows the interviewee you are listening to them. (I.e. "What happened?" or "Can you elaborate or expand on that?")

Silent Pause - Help the interviewee to sort out their thoughts and think about what they want to say. Most of the time the interviewee would start up the conversation again to add things, because they want to continue to talk. Avoid pausing for too long.

**\*\*Beware - *do not* over-use these techniques. Misuse can occur, even if the interviewer is not aware of it. This can cause the interviewee refuse to give information.**

## X. **Cognitive Interviewing:**

Cognitive interviewing is often referred to as "memory jogging." These techniques help enhance the interviewee's memory recall, which gives the interviewer more vivid details. As a result, this will increase the quantity of the information provided, but does not jeopardize the interviewee's credibility.

1. *Reconstruct the Circumstances* - In this method the investigator, asks the interviewee to reconstruct the incident in general. (I.e. environment, feelings, reactions, etc.).

2. *Report Everything*- The interviewer instructs the interviewee not to edit anything even if the information does not seem important. One minor detail that does not sound important can make the interviewee remember more details on something important.
3. *Recall Events in a Different Order*- The interviewer asks the interviewee to state the incident in reverse order. This does three things:
  1. Helps the interviewer clarify facts.
  2. Helps the interviewee remember more.
  3. Help to tell if the person is lying.
4. *Change Perspectives* - The interviewee is asked to recall the incident from the perspectives of others who were present during the incident. (I.e. A witness might place themselves in the place of a prominent character in the incident and think of what they might have seen.)

Techniques for Remembering:

1. *Physical Appearance*
  - a. Remind you of anyone? Why?
  - b. Anything unusual about the person? (i.e. tattoo)
  - c. Review the person *top to bottom*.
2. *Names*
  - a. Letter of the alphabet that the name began with. (I.e. Have the interviewee review the alphabet)
  - b. Long or short name?
  - c. How many syllables in the name?

### 3. *Numbers*

- a. High or low numbers?
- b. How many digits in the sequence?
- c. Any letters in the sequence?

### 4. *Speech Characteristics*

- a. Did the voice remind you of anyone? Why?
- b. Anything unusual about the voice?

### 5. *Conversations*

- a. What were people's reactions to what happened?
- b. Were unusual words or phrases used? (i.e. slang word could have been used. If so, ask them what it means.)

## *XI.* **Ending:**

End by thanking the interviewee for their time and cooperation. Also, end with a good firm handshake. If you end with a good rapport, you might be able to obtain more information and have their cooperation next time when you need them.

Also provide a business card or a number, so the interviewee can contact you if the need to. Maybe the interviewee would contact you if they remember more information.