
Conducting Successful Interrogations

By DAVID VESSEL, J.D.

Obtaining information that an individual does not want to provide constitutes the sole purpose of an interrogation. A successful interrogation results in a guilty or involved criminal suspect's making a confession or admitting participation in an illegal activity. However, interrogators frequently do not acquire information critical to successful case resolution. Often, guilty suspects leave the interrogation environment without making the smallest admission. Many experienced officers leave an interview or interrogation knowingly outwitted by the suspects. When these situations occur, criminals go unpunished and remain free to strike again, causing the entire community to suffer.

Interrogations can fail for any number of reasons. Some reasons are foreseeable; some are not. However, interrogators can increase their success rates by eliminating or minimizing identifiable causes of failure. Once investigators have identified these factors, they can consider and act upon them to increase the probability of successful interrogations. These major components include preparing for the interrogation, distinguishing between interrogations and interviews, developing persuasive themes and arguments,



establishing a set plan, building a good relationship with the interrogation subject, allowing enough time for the interrogation, acquiring adequate interrogation training, and understanding that some interrogations will fail regardless of the amount of effort employed.

While not all-inclusive, these factors prove vital to successful interrogations.

PREPARING FOR THE INTERROGATION

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successful interrogations. Too often, the unplanned approach leads to interrogation failures. Factors to consider when preparing interrogations include setting and environmental considerations, knowledge of case facts, familiarity with subjects' backgrounds, and methods of documenting confessions.

Setting and Environmental Considerations

Successful interrogations mandate that interrogators, not subjects, control not only the topics of discussion but also the physical environment.¹ Officers should not conduct interrogations unless they can guarantee privacy and control of the environment. A good setting is a small, controlled, sound-insulated room void of distractions. Investigators should avoid environments with windows, telephones, clocks, pagers, and intercom systems. A setting free from diversions forces subjects to respond only to the inquiries. It also gives investigators a much better

opportunity to observe the subjects' verbal and nonverbal responses to the issues presented. Accordingly, interrogators know that these reactions result from the issues and not from any extraneous stimulus. The further the situation gets from a controlled setting, the higher the chance that the interrogation will fail. If investigators cannot guarantee this environment, they should conduct the interrogation at another time and place. Often, only one good interrogation opportunity exists. Risking that opportunity in an unacceptable environment may be a poor investigative decision.

Case Facts Knowledge

Understanding case facts remains critical to any interview or interrogation, but some facts may prove more important than others. Knowledge of how a crime occurred can be an effective persuasion tool.² If investigators can tell subjects how the crimes were committed, the subjects may give the

reasons for their involvement in these incidents. However, interrogators must exercise caution in using this technique. In presenting crime facts to subjects, interrogators must ensure that all prove correct. Otherwise, interrogators will risk losing credibility, which greatly increases the chance of interrogation failures.³

Familiarity with Subjects' Backgrounds

Acquiring adequate background information about subjects constitutes another critical factor in achieving successful interrogations. Subjects' feelings, attitudes, and personal values directly impact successful interrogations. Individuals often make the choice to confess based on their emotions, then defend their positions or choices with logic.⁴ Therefore, the more officers know about the subjects they interrogate, the better their chances for success. When interrogators understand subjects' goals, needs, and conflicts, they can use this information to persuade subjects that confessing the truth is in their best interest.

Documenting Confessions

Officers should resolve the critical details of documenting the confession before beginning the interrogation. Once the procedure starts, interrogators should not be involved in extraneous activities, such as changing audiotapes or searching for needed forms. These actions distract subjects, make them feel less important than the interrogation process, and greatly decrease the possibility of successful interrogations.

Although interrogators document the process by audio or video recordings, they also should obtain a signed, written statement as an accurate summary of the essential facts. Moreover, if the audio or video recordings prove defective, this written record can be admitted as evidence and examined by a jury.

DISTINGUISHING BETWEEN INTERROGATIONS AND INTERVIEWS

Investigators must make a clear distinction between the two processes of interviewing and interrogating subjects. An interview should precede every interrogation. Through the interview, officers learn about the subjects and their needs, fears, concerns, and attitudes. They then use this information to prepare themes or arguments to use during interrogations.

During interviews, subjects answer questions from investigators about the crimes, themselves, and others involved in these incidents. Through this nonthreatening initial inquiry, investigators identify non-verbal and verbal behavior exhibited by the subjects, build rapport and find common ground with them, determine if they should be interrogated (if doubt exists about the subjects' involvement, no interrogation should be conducted), and obtain additional case facts.

Conversely, interrogations bring investigations to a close. Investigators use different skills in interrogations, confronting subjects with statements rather than asking for information. In interrogations, investigators lead, and subjects follow.⁵ Investigators do

not seek information. They do not take notes. They only want to obtain truthful admissions or confessions.

Continuing to obtain erroneous or fabricated facts while trying to secure truthful admissions causes investigators to lose the advantage in the interrogation process. Once investigators determine that interrogation is warranted, obtaining the truth from the subjects becomes their only goal.

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DEVELOPING PERSUASIVE THEMES AND ARGUMENTS

Lack of arguments and themes to persuade subjects to tell the truth stands as a major cause of interrogation failures. Three main solutions exist for combating this problem. First, experience provides investigators with an ever-increasing supply of arguments. Conducting more interrogations gives investigators additional ideas and a wider variety of themes to pursue.

Next, preparation allows investigators to plan their persuasive themes and arguments before interrogating subjects. Certain themes and arguments remain universally valuable in conducting successful

interrogations. These concepts include minimizing the crime, blaming the victim, decreasing the shamefulness of the act, increasing guilt feelings, and appealing to the subject's hope for a better outcome. However, the interrogator should not make this latter appeal as a promise of leniency for the subject. Such a promise violates the subject's right to due process of law and may provide the legal basis for excluding the confession as evidence.⁶ Also, many crimes suggest a number of related themes. For example, theft may bring to mind such themes as stealing to support certain lifestyles, blaming the victims, obtaining the subjects' version of the incidents, or even commending the subjects for the professionalism of the crimes.

Finally, conducting good interviews before the interrogations and noting the subjects' key responses allow investigators to convert these answers into persuasive themes and arguments in interrogations.⁷ Knowing what is important to subjects gives interrogators plenty of topics to convert into themes, which helps combat their greatest problem—running out of things to talk about during interrogations.

Investigators should have themes and arguments ready and be prepared to relate them to the facts of the case. If investigators present all of their prepared themes and arguments, they can start over and present them again using different words and examples. This process can continue for as long as necessary to obtain confessions. Generally, the skillful presentation of frequently used themes and arguments, along with any specific ones

developed during interviews, results in successful interrogations.

ESTABLISHING A PLAN

An uncomplicated, four-step plan can provide investigators with an effective, well-proven method of ensuring interrogation success.⁸ First, investigators confront subjects, either forcefully or moderately, with the facts and issues surrounding the incidents and usually accuse them of complicity in the crimes. Generally, subjects deny the allegations. Then, investigators begin to cut off or stop these denials. They must frustrate the subjects' attempts to circumvent the truth by continually halting these denials throughout the interrogation process. Otherwise, subjects increasingly will believe that they can avoid confessing their actual involvement in the crimes.

An effective method of cutting off these denials involves interrogators' repeatedly acknowledging the subjects' participation in the crimes while questioning only their motivations for committing the acts. By continually affirming the subjects' involvement, investigators can maintain better control of the interrogation process. At this point, subjects may stop offering denials and begin providing excuses or justifications for their actions. This shift in their behavior encourages investigators because it indicates progress in the interrogation.

During the third step, investigators present their themes, and arguments. If subjects again offer denials, interrogators should stop them and present additional themes and arguments. As the core of

interrogations, themes, and arguments originate from investigators' experiences, observations, and personal knowledge. Some themes are universal; others apply to specific crimes. Still others appear to have no direct relevance to the incident.⁹ Any theme may have a substantial emotional impact on interrogation subjects. Themes convince subjects to tell the truth, regardless of the consequences. Without a solid foundation of prepared themes and arguments, interrogations usually fail.

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Finally, as subjects begin to succumb to the interrogation but still need slightly more inducement to tell the truth, officers can present alternative or closing questions. These face-saving questions allow subjects to make an admission without losing their dignity. Alternative questions include asking subjects whether they planned the crime or committed it on impulse and whether they stole to support an addiction or to help their families. Any positive responses to these inquiries reveal an admission of truthful involvement by the subjects.

Using such a plan allows interrogators to monitor the ongoing development and progress occurring during interrogations. Also, it provides interrogators with a proven road map for obtaining the confessions that can lead to successfully resolving criminal cases.

BUILDING A GOOD RELATIONSHIP

Investigators can achieve significant success in interrogations by ensuring that the subjects remain the central focus in interrogations, surpassing even the interrogation plan, the themes and arguments, the environmental considerations, or any other component. Individuals often confess for no other reason than their respect for and trust in their interrogators.¹⁰ Therefore, investigators must build a good relationship with subjects. Anything that appears more important than the subjects or the relationship may prove detrimental to the interrogation process.

Moreover, investigators should consider some specific critical personal elements. These components focus on empathizing, not sympathizing, with the subjects' views of the world and attitudes toward interrogation. The perspectives and outlooks of subjects and investigators lie in opposite directions. Therefore, investigators should consider the interrogations, the crimes, and the discussed life experiences from the subjects' points of view. To succeed, investigators should examine some of the human variables that result in different viewpoints.¹¹ Such variables can include differences in sex, culture, values, and economic

circumstances, as well as personal needs and goals. As investigators realize and understand these differences, interrogations become more personal and more effective.

ALLOWING ENOUGH TIME

Investigators must remember that successful interrogations require a certain amount of time to complete. Some confessions or admissions come quickly, but most do not. Those involving a polygraph examination usually occur between the second and third hours of the interrogation session. Generally, the chances of obtaining a confession increase 25 percent for every hour (up to 4 hours) of interrogation.¹² Investigators spend up to the first hour of the session learning about the subjects, building rapport, obtaining background information, and discussing the crimes. Verbal and nonverbal responses form the basis of the investigators' evaluations concerning the subjects' degree of truthfulness and degree of criminal involvement. It takes time for investigators to observe these responses and relate them to the critical issues of the cases. Stopping after 30 minutes or an hour of interrogation dooms investigators to a 75 percent interrogation failure rate.¹³ Admitting the truth will impact profoundly on these subjects' lives and relationships. Subjects make critical life decisions based on their personal needs, wants, and perceived ideas about their situations balanced against the themes, arguments, and facts presented by interrogators. Such a complicated process requires ample time to conclude successfully.

Suggested Reading

Theme Development:

John MacDonald, M.D., and Lt. David Michaud, *The Confession-Interrogation and Criminal Profiles for Police Officers* (Denver: Apache Press, 1987).

The Plan:

F.E. Inbau, J.E. Reid, and J.P. Buckley, *Criminal Interrogations and Confessions* (Baltimore: Williams and Wilkins Company, 1986).

Antisocial Personalities:

Stanton E. Samenow, *Inside the Criminal Mind* (New York: Times Books, 1984).

Interpersonal Communication:

Deborah Tannen, Ph.D., *That's Not What I Meant!* (New York: Ballantine Books, 1986).

Intercultural Communication:

Edward T. Hall, *Beyond Culture* (New York: Anchor Books/Doubleday, 1976).

ACQUIRING ADEQUATE TRAINING

Interrogation training greatly increases the probability of success. Formal interview and interrogation courses that have earned the respect of the law enforcement community offer a valuable training experience. Numerous officers advise that they would not have obtained confessions in many of their investigations without such training.¹⁴ Large police departments, law enforcement academies and associations, federal agencies, and commercial vendors offer several excellent courses.¹⁵ Further, a few years of on-the-job interviewing experience provides officers with a useful background before attending formal classroom training.

KNOWING SOME INTERROGATIONS WILL FAIL

No investigator can succeed in every interrogation. At least 10 percent of subjects will not confess regardless of the investigator's talent or hard work.¹⁶ Professional, hard-core criminals fall into this category of interrogation failures. These subjects are often repeat offenders and know the criminal justice system well.¹⁷ Many exhibit sociopathic tendencies and display antisocial behavior, especially to authority figures. Even though interrogating these subjects frequently proves unsuccessful, investigators may be at the right place, at the right time, to produce the right reason for a subject to confess. In any case, investigators

should not become discouraged if their best efforts do not yield productive results with these types of criminals.

CONCLUSION

Interrogations fail for any number of reasons. Addressing and eliminating the interrelated, identifiable causes can prevent most failures. Preparing adequately, understanding the interrogation process, and appreciating the subjects' needs and values remain paramount in achieving successful interrogations. Additionally, sufficient training and ample experience in conducting interrogations provide specific assistance to investigators involved in the process. Establishing a well-developed plan and allowing sufficient time for the interrogation to evolve also prove important factors in ensuring successful interrogations.

All of these elements need constant attention for investigators to acquire the information critical to successfully resolve their cases. Properly addressing these factors greatly contributes to increasing the number of confessions obtained from guilty or involved suspects and to reducing the number of times officers are duped by these individuals. While interrogation failures impact all aspects of the criminal justice system, the investigators conducting these inquiries remain the most critical factor in reducing these failures. With adequate training, increased awareness, and established plans, officers can become successful interrogators and effectively reduce the number of unsolved crimes that

plague not only the law enforcement community but also the general, law-abiding population. ♦

Endnotes

¹ Arthur S. Aubrey, Jr., and Rudolph R. Caputo, *Criminal Interrogation*, 3d ed. (Springfield, IL: Charles C. Thomas, 1986), 37.

² John MacDonald, M.D., and Lt. David Michaud, *The Confession—Interrogation and Criminal Profiles for Police Officers* (Denver: Apache Press, 1987), 149.

³ Bert Decker and James Denney, *You've Got to be Believed to be Heard* (New York: St. Martin's Press, 1992), 34-35.

⁴ *Ibid.*, 16.

⁵ *Supra* note 1.

⁶ *Miller v. Fenton*, 106 S. Ct. 445 (1985).

⁷ Stan B. Walters, *Principles of Kinesic Interview and Interrogation* (New York: CRC Press, 1996), 2.

⁸ "The Reid Technique of Interview and Interrogation," Advanced Course Study Guide (Chicago: John E. Reid and Associates, 1989), 23-25.

⁹ *Supra* note 2, 84-90.

¹⁰ Frederick Link and Glen Foster, *The Kinesic Interview Technique* (Riverdale, CA: Interotec Associates, 1989), 56.

¹¹ Los Angeles Police Department Interview and Interrogation School Course Study Guide, undated, 6.

¹² Ronald W. Hilley, retired FBI polygrapher and instructor, interview by author, June 3, 1997.

¹³ *Ibid.*

¹⁴ This information is based on the author's experience teaching these courses for the past 10 years.

¹⁵ Such organizations include the Los Angeles Police Department, the New Mexico Department of Public Safety, the FBI, and the Georgia Police Academy.

¹⁶ To the author's knowledge, no interrogation publication claims higher than a 90 percent success rate. None of the hundreds of interrogators interviewed by the author over the past 10 years admits to a success rate higher than 90 percent. Retired FBI polygrapher Ronald W. Hilley advised that federal polygraphers maintain a "...65 to 70 percent confession rate, on the whole."

¹⁷ Stanton E. Samenow, *Inside the Criminal Mind* (New York: Times Books, 1984), 180-181.

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