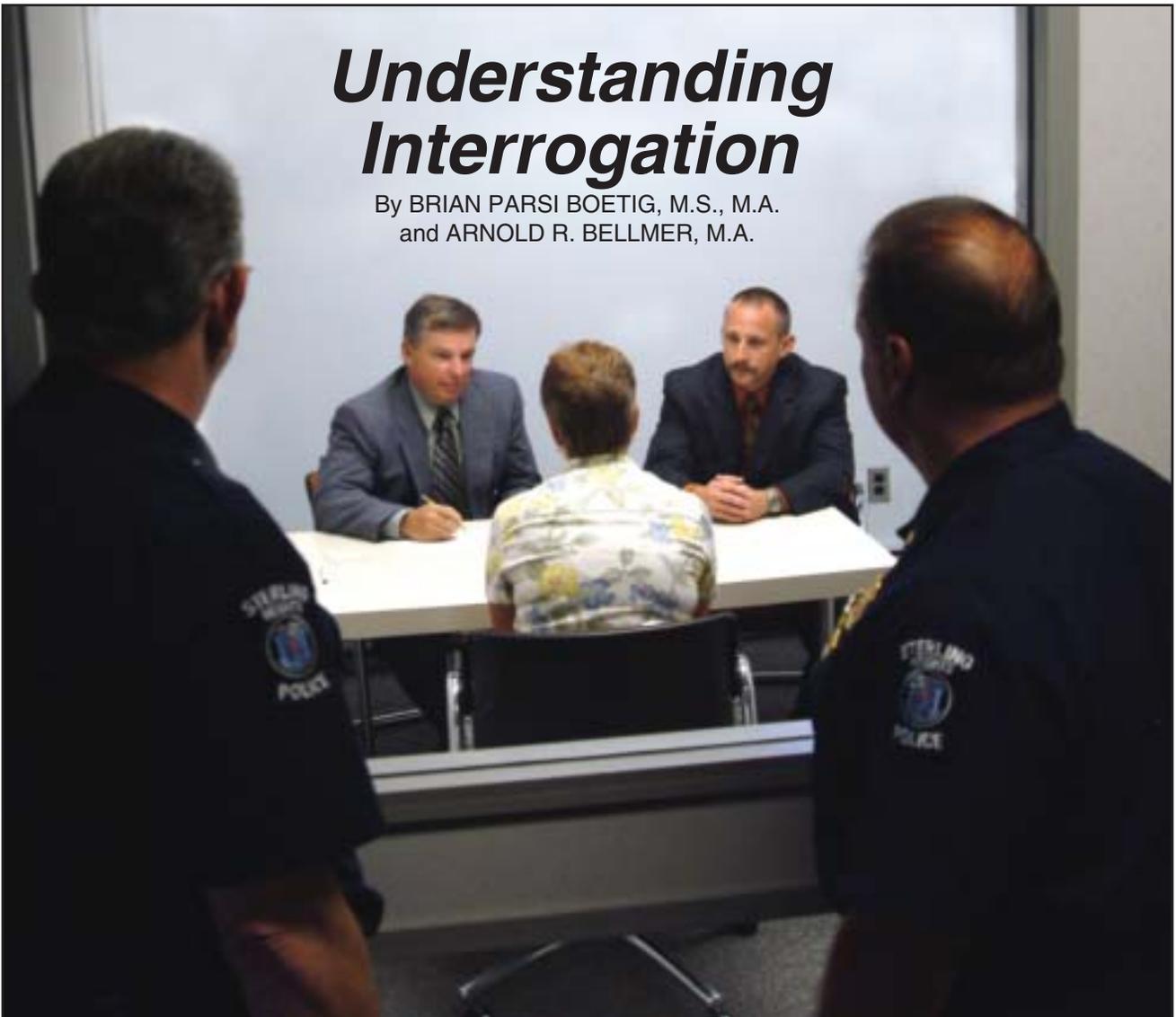


Understanding Interrogation

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Leaders of law enforcement agencies regularly interact with the media, establish various policies and regulations, and often are required to discuss or justify real-life police practices. To this end, defining and understanding the term *interrogation* has become important to the profession for several reasons.¹

Various Perspectives

The mention of interrogation often generates images of torture or unpleasant conditions, despite the fact that these depictions do not represent the overwhelming majority of current police interrogations. When officers testify in court and mention interrogation, jurors and other fact finders often associate

the word with harsh and illegal police behaviors, even though it is highly unlikely that such actions actually occurred.

Additionally, interrogation has distinctive meanings in different settings. Although contemporary law enforcement usage of the word implies an interaction between officers and suspects, it also can include

victims and witnesses reluctant to be forthcoming with information. The term *interview* generally is associated with victims, so the phrase *interrogate a victim* may sound objectionable but prove completely appropriate if applying a dictionary-derived definition.

Finally, the ambiguity between the two words can cause confusion, which law enforcement administrators may find advantageous. For example, during a police department's media conference, officers might mention that they conducted an investigative interview with the husband in a high-profile murder case. Using a description often associated with victims, witnesses, and suspects could reduce speculation that they consider the

husband a suspect. The word *interrogation* likely would result in the follow-up question, Did he confess? At this point in the investigation, the chief may not want to reveal either the presence or absence of a confession or whether the department suspects the husband of any wrongdoing.

Multiple Interpretations

Understanding interrogation can be problematic because more than one entity refers to the word (e.g., popular culture, lexical, criminal justice, legal, and international bodies). Real and fictional events viewed by the general public create the popular-culture interpretation and may evoke negative images of law enforcement or military personnel as hard,

unpleasant, remorseless, or unkind to another person (e.g., the representation of a bright light shining into a suspect's eyes while the interrogator towers above in an otherwise dark room or the use of military police dogs terrorizing prisoners prior to an interrogative encounter). Interrogators often are portrayed flaunting large firearms in fully exposed shoulder holsters and degrading or undermining suspects' dignity by employing psychological stress, physical exhaustion, or torture. An accurate depiction of a real-life interrogation does not involve these theatrical images.

A logical step in defining words begins with the exploration of their lexical properties. Interrogation is derived from the Latin roots *inter* (in the presence of) and *rogre* (to ask) and simply means to question formally and systematically.² There are no nefarious connotations, elements of torture, or illegal activities associated with the action of interrogation. In fact, officers could correctly report that they have interrogated a victim, although the word *interviewed* is more popularly accepted.

In the U.S. criminal justice community, the prevalent use of the term *interview* typically is associated with compliant, nonproblematic victims, witnesses, complainants, and even suspects, while the word



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interrogation usually relates to suspects who are noncompliant and problematic, generally meaning deceitful or hostile. Law enforcement training often is divided into an interview section and an interrogation one simply to differentiate between conducting interviews with compliant persons and handling interrogations with those reluctant to divulge information.

In many countries, as well as some places in the United States, the various components of the criminal justice system have begun to use the term *investigative interview* in lieu of either *interview* or *interrogation*. This phrase refers to any police-citizen encounter in which officers obtain information, regardless of levels of cooperation, resistance, or intent.

Interrogation also has a legal definition valuable to understanding, interpreting, and applying case law in the United States: "In criminal law, a process of questions propounded by police to a person arrested or suspected to seek solution of crime. Such person is entitled to be informed of his rights, including the right to have counsel present, and the consequences of his answers. If the police fail or neglect to give these warnings, the questions and answers are not admissible in evidence at the trial or hearing of the arrested person."³ From a legal perspective, interrogation

is questioning, or the functional equivalent, likely to produce incriminating statements. It would be inappropriate for any law enforcement officer to selectively use the popular culture, lexical, criminal justice community, or legal definition simply to thwart legal thresholds or requirements. For example, officers should not suggest that they were not required to provide a suspect in custody with *Miranda* warnings because they were conducting an interview, rather than an interrogation,

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where the dialogue represented more of a conversation in which facts were elicited than a formal examination through questioning. This idiomatic tactic undermines the legal definition of the word. In fact, the courts have defined *custodial interrogation* as “questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom

in any significant way.”⁴ Interrogation is not only related to direct questioning intended to produce incriminating statements but also to the functional equivalent of direct questioning, words, or actions by officers who should know that they are likely to elicit an incriminating response from a suspect.⁵ *Investigatory interrogation* is legally defined as “questioning by police in a manner that has not reached an accusatory stage and where such persons are not in legal custody or deprived of their freedom in any significant way.”⁶ Investigatory interrogations fall outside the scope of the *Miranda* decision.

On an international basis, the words *interview* and *interrogation* are not universally applicable, which may cause confusion. In some countries, other terminology often is used. For example, in France, the functional equivalent of a U.S. witness interview is referred to as the taking of testimony, whereas in the United States, testimony generally is associated with oral statements given during judicial proceedings. In France, an interview denotes encounters with the media, not law enforcement. U.S. officers seeking the assistance of foreign agencies can find themselves in a quandary when communicating their requests and not understanding the regional application of the two words.

