

Criminal Investigations Training Group

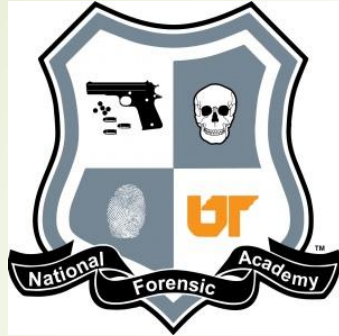


Interrogations for Homicide Investigators

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“For Law Enforcement Professionals”

www.CriminalInvestigationsTrainingGroup.com



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24 years City Of Miami Police Department

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PH.D Criminal Justice. Behavioral Science NSU

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Criminal Investigations Training Group

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Memberships


International Homicide Investigators Association

National Homicide Investigators Association

American Academy of Forensic Sciences

National Forensic Academy Class # 55



- 
- **Interviews:** Gathering Information. Asking questions that are not eliciting an incriminating response. A moment to identify if the subject can intelligently and knowingly understand his or her Miranda Rights.
 - **Interrogations:** Questioning a suspect of a crime, post Miranda Rights read, that may elicit an incriminating response.

Interview room preparation

- 1. Recorder.
- 2. Table and Chair position
- 3. Room Temperature.
- 4. Remove any extra items that don't belong.
- 5. Search Subject.





safety

Escape

Subjects Primary Concern

- Is there any evidence?
- Who was at the scene?
- I had gloves on. He can't know its me.
- I know no one saw me.
- Did I leave blood on the scene?
- Do they know I did it?



Det. Freddy Ponce
Homicide Unit

Investigators Concerns

1. Did they do it?
2. Is it my last resort?
3. Will they believe me?
4. Am I convincing enough?
5. Am I respected?
6. Am I the Boss?
7. Search Subject for Weapons !!



Detective Dave Toschi

Know Your Case Well

- Prepare prior to going into the room.
- Get your pictures, Miranda Forms, DNA Forms,
- Are you taking his clothing? After
- GSR Concerns (4 hours). After
- Have ID take pictures of subject. After
- On Location walk through of scene with subject/ ID with VIDEO Camera.



Who will be Primary Interviewer?



Interview in our police station

Uncertainty

- ▶ When a person is unsure of their surroundings and when the situation is ambiguous, he might be more inclined to pay attention.





Mesa case and C.S.I. video

[Mesa case and CSI clothing video](#)



Interrogations for Homicide Investigators

STEP 1 Introductory Interview.

STEP 2 Identify Health Concerns/ Education.

STEP 3 Miranda Rights

STEP 4 Describe your work and what is expected of the Interviewee.

STEP 5 Investigative Questions/ Narrative.

STEP 6 Accusation/ Transition Statement.

STEP 7 Themes.

STEP 8 Confession and Closing.



STEP #1 Introductory Interview

A period to observe your subject and see if they are capable of undergoing an interrogation.

You will identify if they can Knowingly and Intelligently understand their Miranda Rights.

Do not ask them questions about the case prior to Miranda Rights being read.

Observe their behavior and body language.

Information Gathering phase



Introduction

Intro Michael Paul

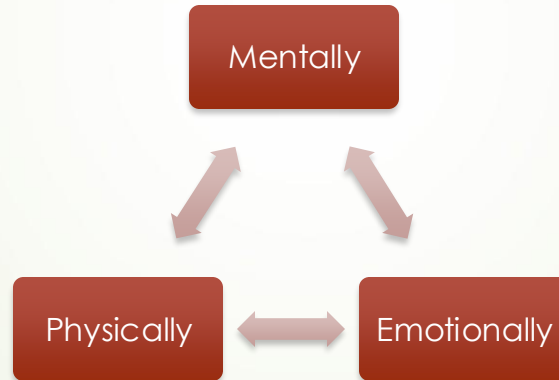
Rapport Building



Building Rapport

Finding a common ground.

Being congruent as one throughout the entire interview.



Rapport Building

- Introductory interview
- Being questioned in police station
- Release tension about previous crimes or smaller crimes
- Put them at ease
- Understand their struggle
- Complement them on their accomplishments, goals completed and their vision for the future.
- Identify their positive attributes and potentials.





Building Rapport Mirroring

- Body movements, head, hands,
- Speech tone
- Physiology
- Find a common ground
- Share common Experiences /Similarity



Step #1 Cont.. Introduction Interview

- Introduce yourself (Tell the subject why they are there)
- Name, D.O.B., SS#, Address,
- Build Rapport.
- Work? Family, kids? Girlfriends? Goals? Share life experiences.
- If you know who they are, hint that you know them.
- This is the time to get to know the subject's mannerisms. How they react to being questioned. Observe their behavior.
- Do not ask questions about the case.



Michael Paul Introduction Techniques/ Background info Video

Setting the Tone



Introduction Exercises





Introductory interview

- Identify if the subject can communicate properly.
- Are there any language barrier issues?
- Preparing for long term interview.
- We are in professional control.
- Let them know we have done our homework.

Primary Representational System



Visual

Auditory

Kinesthetic



P.R.S. Visual

Do you see what I am saying?

Look at the people around you that care about you.

You don't look like the type that would do something like this.

You see what I am saying?

You look here Mr.

I see what your saying.

I don't look at it that way.

I am glad you said that because you and I are seeing it the same way.



P.R.S.

Auditory

- Listen to what I am saying here for a moment.
- You hear what I am saying. Hear me out on this.
- This sounds like something that just happened in the spur of the moment.
- I hear what you are saying.



P.R.S.

Kinesthetic

- ▶ I understand what you are saying.
- ▶ I feel that you didn't mean to do this.
- ▶ You should have never been treated that way.
- ▶ I have felt the same pain in my life as well.
- ▶ Do you feel me?

Similarity

People are more inclined to follow the lead of others who seem similar to themselves.





Interviewing Juveniles

- Contact a parent or guardian to be present.
- Contact a Juvenile investigator.
- Miranda Rights can be read to Juveniles.
Have a parent witness. Juvenile's signature is valid in Miranda rights form.
- Log Juveniles name outside of Interview room.

[Juvenile Dumpster Video](#)

Language Barrier Issues





STEP # 2 Health Concerns/Education

- Go over his mental condition, drinking habits. Drugs etc..
- Have you been drinking today?
- Are you under the influence of any drugs?
- Are you under any medication?
- Any medical concerns or mental condition I should be aware of?
- Highest grade of education?
- Technical trade?



Mental condition/rapport video



STEP # 3 MIRANDA RIGHTS

- **Miranda Law: Miranda vs. Arizona**
- **June 13, 1966. Chief Justice Earl Warren held that criminal suspects must be informed of their right to consult with an attorney and of their right against self-incrimination prior to questioning by police. He added that if the suspect wished to remain silent, the interrogation must cease.**

Custodial Interrogation:

- Is not free to leave
- In custody
- Handcuffed
- Surrounded by officers or detectives
- What is the State of Mind of the Subject?
- Would a reasonable person perceive that they are not free to leave?
- Miranda Rights must be read.
- Have them read and sign the form.
- Investigators signature and time with a witness signature.



Preparing Subject for reading of Miranda Rights

Before we begin, I have to go over this like I do with other witnesses or other people I speak to. A policy and by law the department requires me to do before....

I can get your side of the story / show you pictures/ videos

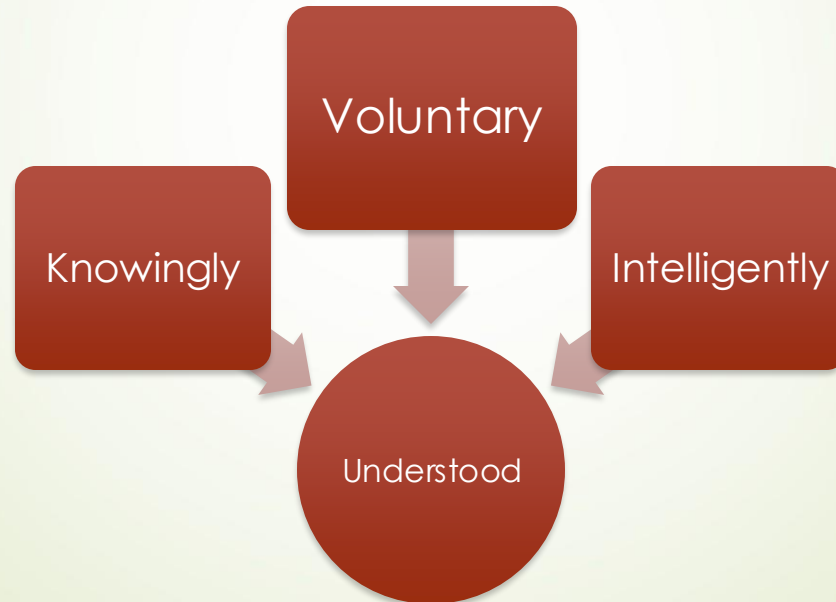
or to see how you can help me out. Its part of my Job.

I have to read you your rights and make sure you understand them. You have probably heard about this before. It's merely a formality but I have to do it. OK?



[Michael Paul Miranda video](#)

The State must prove the Miranda Rights were Knowingly and Intelligently Understood and that the statement is given Voluntarily.





Dictate their Miranda Rights

Be clear and understood

After reading of rights: Have I or anyone else threaten you in any kind of way or promised you anything? NO

Hand them a pen with the form.

OK Great. Please sign right here so we can continue.

Put the Miranda Rights form away out of sight.



Miranda Rights Darnell

Miranda Rights

- ▶ You have the right to remain silent and refuse to answer questions. (Fifth Amendment). Do you understand?
- ▶ Anything you do or say may be used against you in a court of law. You have the right to consult an attorney before speaking to the police and have an attorney present during questioning now or in the future. (Sixth Amendment). Do you understand?
- ▶ If you cannot afford an attorney, one will be appointed for you before any questioning if you wish. Do you understand?
- ▶ If you decide to answer questions now without an attorney present, you will still have the right to stop answering at any time until you talk to an attorney. Do you understand?
- ▶ Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions with out an attorney present?

See rest of rights form



Mesa case intro and Miranda 05:00m

Miranda Benitez.mov



Miranda Rights practical exercises



When to stop the Interview?

1. When they ask for an Attorney.
2. When they say they don't want to speak to you anymore.
3. When they are exercising their right to remain silent.
4. When they tell you to stop asking them questions.
5. Health concerns for subject.
6. Officer Safety.
7. Tell him what he is being charged with and if he needs anything tell him you will be right outside the door just to call out for you or knock on the door.
8. Continue interview only when subject Re-initiates conversation.

Did he Invoke?

- ▶ Do I need an attorney?
- ▶ Do you think I should get an Attorney?
- ▶ I want to call my mother first.
- ▶ I don't think I should sign this.
- ▶ I'll talk to you but with my attorney present.
- ▶ Don't I get a phone call?

A: It is totally up to you. I cannot make that decision for you. It is your right and you are free to chose to speak to me or not.

Det. Freddy Ponce
Homicide Unit



[Invocation Jeff LSPD Video #1](#)

[Jeff LSPD Video #2](#)

[Jeff LSPD Video #3](#)



[Michael Wynder intro-invocation Video](#)



Voluntary Statements

Voluntary Interview

- Disclosure on video or tape.
- Be careful about the number of detectives



Voluntary Statement

- Prior to Miranda Rights the test to determine if a statement was valid was that it be Voluntary.
- Taking a non-custodial statement .
- The Investigator must show that the subject acknowledges that ;
 - Subject must understand that he is not under arrest and is free to leave at any time.
 - Voluntarily came to the police station on his own or with police escort.
 - And is willing to answer any questions.



Case Law

- ▶ *Ramirez v. State*, 739 So. 2d 568 (Fla. 1999), and that the test for determining custody for *Miranda* purposes is whether “a reasonable person placed in the same position would believe that his or her freedom of action was curtailed to a degree associated with actual arrest.” *Id.* at 573. Courts consider four factors in making this determination:
 - ▶ (1) the manner in which police summon the suspect for questioning;
 - ▶ (2) the purpose, place, and manner of the interrogation;
 - ▶ (3) the extent to which the suspect is confronted with evidence of his guilt; and
 - ▶ (4) whether the suspect is informed that he or she is free to leave...




Voluntary Statement Exercises





Case Law to Interrogation



Rebuttal Statement

- ▶ Case In Chief Rebuttal
- ▶ If the Defendant is testifying, the prosecution can bring in a previously recorded statement during rebuttal where the defendant had already invoked and continued to give a statement. This serves to impeach the defendant of his/ her inconsistent statement.



Right to Counsel

A suspect's Miranda right to counsel must be invoked "unambiguously." *Davis v. United States*, 512 U. S. 452,

In the context of invoking the Miranda right to counsel, the Court in *Davis v. United States*, 512 U. S. 452, 459 (1994), held that a suspect must do so "unambiguously." If an accused makes a statement concerning the right to counsel "that is ambiguous or equivocal" or makes no statement, the police are not required to end the interrogation., or ask questions to clarify whether the accused wants to invoke his or her Miranda rights, 512 U. S., at 461-462



Continuing after Invocation of rights

Edwards v. Arizona, 451 U. S. 477

- ▶ "[W]hen an accused has invoked his right to have counsel present during custodial interrogation, a valid waiver of that right cannot be established by showing only that he responded to further police-initiated custodial interrogation even if he has been advised of his rights. . . . [He] is not subject to further interrogation by the authorities until counsel has been made available to him, *unless the accused himself initiates further communication, exchanges, or conversations with the police.*" 451 U. S., at 484-485.



Public Safety Exception to Miranda

■ **ORIGIN OF THE RULE**

- The origin of the **Public Safety Exception to Miranda**, the case of **New York v. Quarles**, began in the early morning hours of September 11, 1980
- A woman told police she had just been raped and that the offender ran into a supermarket with a gun. Police located the man handcuffed him and asked him where the gun was. The offender said he had dumped it in the next aisle. They located the weapon.



■ *FRAMEWORK OF THE EXCEPTION*

- The Quarles case provides a framework that police officers can use to assess a particular situation, determine whether the exception is available, and **ensure that their questioning remains within the scope of the rule**. This framework includes the presence of a public safety concern, limited questioning, and voluntariness.



Refused to sign Miranda Rights waiver

United States Supreme Court, June 2010 ruling
Thompkins case

- The US Supreme Court firmly established this principle in a 2010 decision. In that case, a murder suspect refused to sign an acknowledgment of his Miranda rights, then later made statements that were used against him in his conviction for the crime.
- The Court ruled that the burden was on the suspect to invoke his Miranda rights, and his failure to sign the acknowledgment essentially amounted to **a waiver of those rights as long as he verbally responded that he understood his rights .**

Second Interrogation two weeks after invocation

MARYLAND v. SHATZER

certiorari to the court of appeals of Maryland
No. 08-680. Argued October 5, 2009--Decided
February 24, 2010

The US Supreme Court refined the rules for police interrogations. In that case, the Court ruled that police officers could initiate a second interrogation of a suspect who had previously invoked his *Miranda* right to remain silent or invoke to have his attorney present once **two weeks** had elapsed from the date of the original interrogation.



➤ Michigan v. Mosley 423 US 96 (1975)

➤ The right to remain silent invocation. This case recognized **two hours** to be sufficiently “significant,” so wait at least that long before reinitiating contact.

➤ Make sure to clarify any ambiguous statement

➤ “I got nothing to say” “I have nothing to declare”



Deception

Frazier v. Cupp

394 U.S. 731, 89 S. Ct. 1420, 22 L. Ed. 2d 684 (1969)

Police deception does not render a statement involuntary.

Emphasizing the totality of the circumstances, the court held the officer's misrepresentation was insufficient to render the confession inadmissible. Police Officers' use of tricks and factual misstatements does not, in and of itself, render a confession involuntary; there must be coercion involved, and a misstatement of fact is not coercion.

State v. Mallory, 670 So.2d 103 (Fla. 1st DCA 1996) When Officers use such deception, the legality of the deception is more likely to be sustained when Miranda Warnings have been given.

STEP # 4 Explain the purpose of the Interview.

1. Swear the subject or witness in. (minimizes denials)
2. Describe how investigators conduct investigations. (hint a little of how this case was investigated).
3. Tell him what is expected of him during the interview. To be honest and straight forward.
4. Tell them you need their assistance in the investigation.
5. Tell them you will be asking personal questions and to please understand you are doing your job.
6. Do you believe I am good at what I do? Yes. Shake his hand and thank him. I work hard at what I do.

The investigator describes his work

John I'd like to tell you little bit about how we conduct investigations, as you probably know we use many resources to conduct investigations and some of those are:

(Write this list down on a pad so he can also see while you write and explain each one)

Physical evidence

DNA Evidence

Eyewitnesses

Informants

Fingerprints

Surveillance

Medical Examiner

Ballistics

Cell phone records

Negative Evidence



Describe work exercises



Contract

- Another technique that we use is that I will be asking you questions that I already know the answers to and that allows me to see if you are being truthful and I can trust you or not and then I will know if you really care. Can we agree on that?

Yes; Shake his hand



Investigative techniques
video

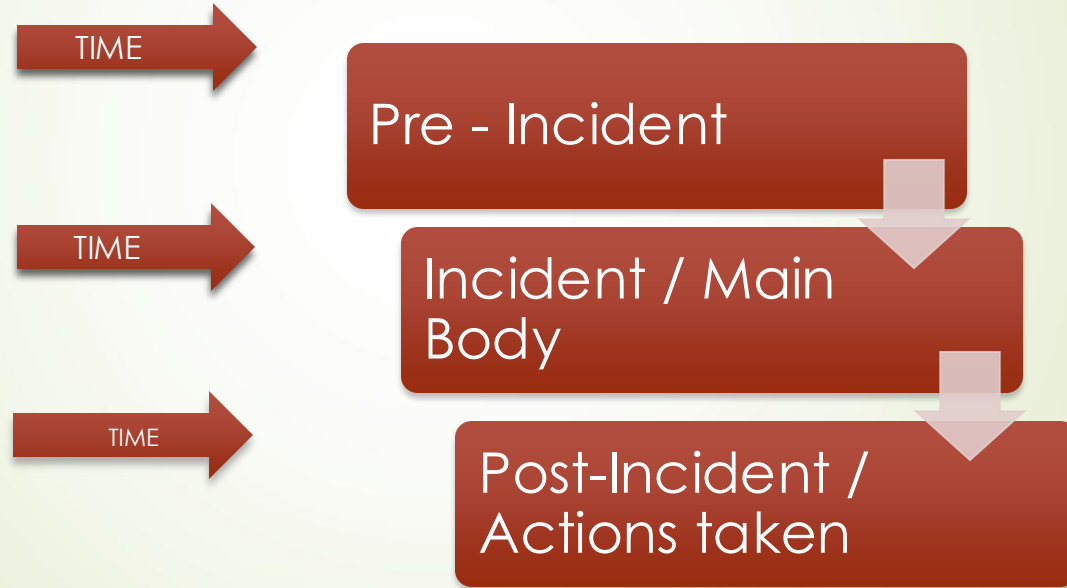


STEP # 5 Investigative Questions/Narrative

- The purpose is to Identify the alibi.
- To Identify and accept the denial.
- To Identify the Verbal and Behavioral Response.
- To Identify the suspects Access and Opportunity to commit the crime.
- To Identify a Motive.
- Do not misinterpret.

Narrative Story break down

The Day of the Incident





Sample Investigative Questions

- What is your understanding of what this case is about?
- Do you know who did this?
- Who do you think did this?
- Did anyone tell you they suspected someone?
- Is there anyone that you know who would not do this? Someone that you can vouch for? He should include himself in the answer.
- Do you really think the person was intentionally killed?

Investigative questions

Who do you believe may have had the best opportunity to do this?

Why do you think someone would want to do this?

Did you ever think of committing this crime against the victim even though you did not go through with it?

Tell me why you would n' t do something like this?

What do you think should happen to the person who did this?

Do you think they deserve a second chance?


How do you feel about being questioned today about this case?



Investigative questions video
Death without Mercy

Verify Alibis

- Let the subject offer the Alibi.
- Ask the subject what he was doing from the morning hour until the nighttime.
- Do not ask specifically what he was doing at the time of the crime.
- Make all attempts to verify the alibis. Names, locations..(Fabricate a story near location)
- Take subject on location to show where they were.
- Challenge their alibi but do not become argumentative.



On the day of the incident, can you please tell me what you did that day? Can you please start from the time you woke up and walk me through your day?

- ▶ Look for gaps in time and missing information
- ▶ Allow denials and miss information.
- ▶ Clarify names and addresses.
- ▶ Allow them to continue with complete narrative until end of the day.
- ▶ Go back and clarify missing information and have them explain why the information was left out.
- ▶ Ask them to detail their alibi.
- ▶ Do not be combative.



Interviewing Witnesses



Interviewing Witnesses

- Allow the witness to tell their story in their own word how they want to tell it in their order without interruption.
- What information is missing? And why is it missing?
- Natural sequence of events
- Reverse sequence of events
- Different Sequence of events



Interviewing Witnesses

- Cognitive interview
- Context enhancing comparison
- Verify and confirm information
- Why are they not being completely truthful?



Interviewing Witnesses

1. Can be just as resistant as a suspect.
2. Take them to a private location to speak.
3. Walk through of the scene if possible.
4. Visualize the incident.
5. Describe incident from different perspectives; From victims, offenders and witnesses' point of view.
6. Who else was there?
7. What is their relationship to the offender or victim?
8. Can they Identify? Physically? Voice? Tone? Nationality?
9. Identify weapon ?
10. Identify intentions of the witness.
11. Did the information he was relaying already make the media?
12. Obtain recorded statements from significant witnesses.
13. Are they accusing someone of a crime for revenge purposes?



Cognitive Interview

- ▶ I cannot recall. I don't remember. Trouble recalling the incident.
- ▶ Ask them to go back to the beginning of their day and describe what they did that day.
- ▶ The investigator should break down the day by events as the witness describes it.
- ▶ And they should remain in that event until it is carefully described in detail before moving on to the next one.
- ▶ This enhances memory. It reinstates the context, mood, environment and the experience

Reverse Order Incident

- Have them start from the moment they were first in contact with police after the event and have them describe what they were doing going backwards in time.
- Where were they standing?
- Who were they with?
- Where did they go after the incident ?
- Who did they tell in person?
- Who did they call?
- Break up the story into separate events.

Context Enhancement Comparison

- Ask them to compare information to something personal
- Direct questions for witnesses
 - Names, /Sounds like what name? Any family name?
 - Descriptions,
 - Persons, Looks like who?
 - Vehicles, Do you know anyone who drives that vehicle?
- locations,
- weapons
- Vehicle tags; break up letters



Statement Analysis

There is a meaning to everything we say or don't say.

We mean what we say and we say what we mean.

Statement Analysis

- ▶ I would never do that to that girl
- ▶ That thing was the best in the world.
- ▶ I went to sleep, I left to the store,
- ▶ I went for a drive. (describe the route)
- ▶ I haven't seen him for a minute.
- ▶ We talked about; this and that ,latty da, latty da,
- ▶ We were messing around.
- ▶ I did not kill her. I am not a murderer; I am not a killer.
- ▶ I did not do anything or anyone.
- ▶ Uses his name in third person; Calvin Lewis did not do anything.



Statement Analysis

- Responds with a questions
- Delayed responses
- I, I, I.....repetitive
- Delayed creative responses
- Answers with objections, "I am religious"
- I would not do that
- Listen carefully
- They don't want to lie but are evasive
- Responses are truthful but did you ask the right question
- Do not ask compound questions

Statement Analysis

- Telling a story in the present tense that occurred in the past
- Taking possession then creating distance ex. My wife; that woman
- My gun; the gun
- My car; the car
- My jewelry; the jewelry
- I parked my car in the parking lot at 7 p.m. When I came back the car was gone.



STEP #6 Accusation/Transition Statement

- ▶ “Our investigation shows that you are the person responsible for the death of Mr. Jones.”
- ▶ I’ve been working this case in detail, and you are not being completely truthful with me.
- ▶ Do not allow the denial. Go straight into the theme.



Accusation

Tapanes Set up robbery homicide accusations

Define the purpose of the interview

- ▶ The reason we are here talking to you is to know why this happened not what happened because we already know that. I have been involved since the beginning and have not stopped.
- ▶ What we are here to find out is the **Why**.
- ▶ What was _____ Intention? Does he/she care?
- ▶ Because this is a big difference. If this was intentional and malicious, then I don't want to waste my time. But if this is something that was (out of character) and you truly are concerned then I know you are someone I can trust.
- ▶ Transition into themes

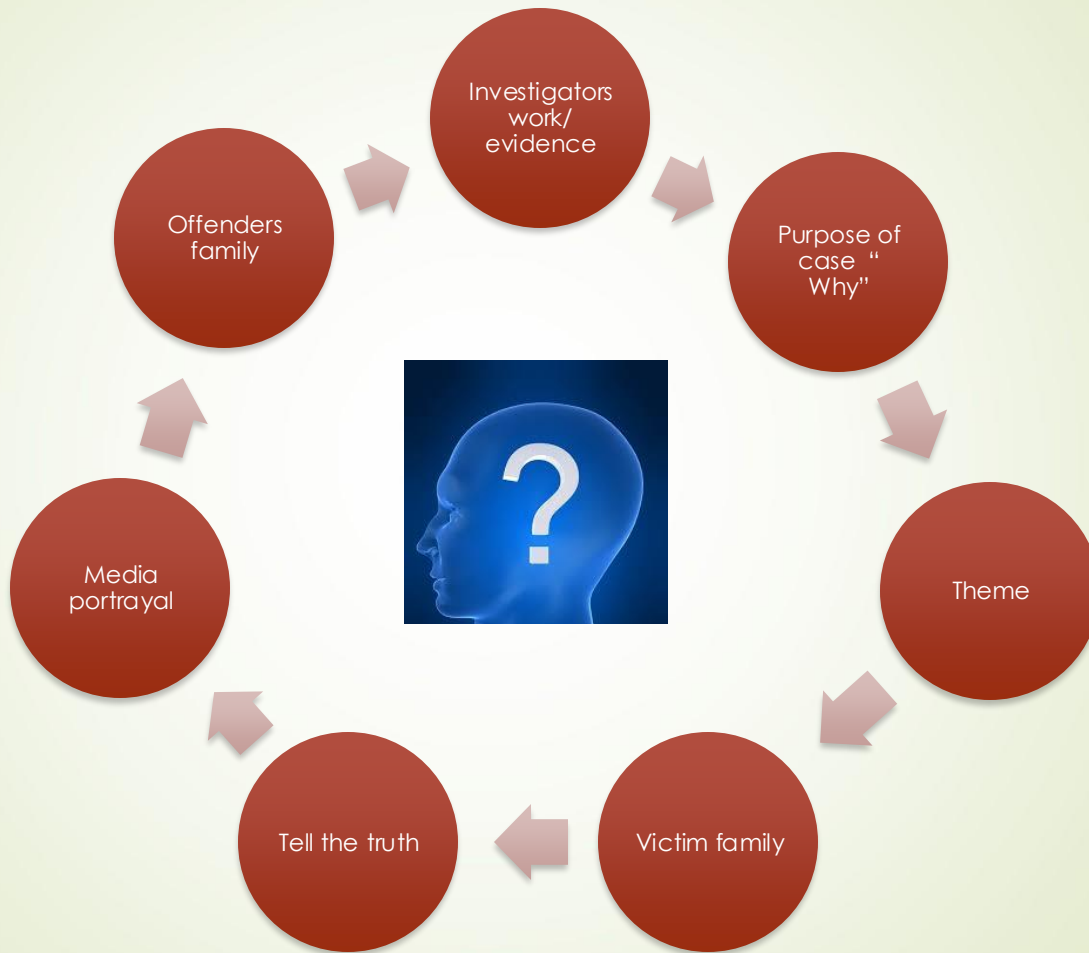
STEP # 7 Themes

■ **Definition:**

The Investigators offers different psychological reasons, scenarios or circumstances as to why the incident took place; it serves to minimize the seriousness of the subject's criminal behavior.

- Peer Pressure: Co-Defendant made me do it.
- Self Defense (Be Careful)
- Family needs.
- Financial needs.
- Impulse / Did not mean to do it.
- Blame the Victim.
- The subject may offer his own theme.
- Call Subject by their first name to seek their attention.

Det. Freddy Ponce
Homicide Unit



Col. Russell Williams video PT.2

Canadian commander quiet in thought
Sgt. Smith calls his name.

Canadian Commander Media Theme

Call me Russ



Theme development video

[Michael Paul /putting at ease video/ Theme Development](#)





➤ Deceptive Vs. Truthful

Deceptive Responses; Evasive, vague. weak in speech, slurred, delayed, answers with a question.

Truthful Responses; Clear and concise, to the point, may get argumentative



Why tell the truth?



Persuasion/ Why tell the truth?

- Relieves stress.
- You will be respected by your family.
- Heals wounds of victim's family.
- You don't want others to make up stories about you.
- You have an opportunity to still have credibility.



Deceptive body language

Usually occurs after subject provides an answer

- Covers mouth
- Wiping of the hands
- Sitting on hands
- Crossing of legs
- Crossing of the arms
- Biting of the lip
- Constant eye contact
- Controlling emotions.

Self grooming
Tapping fingers
Deep in thought
Prayer hands
Closed eyes

Body Language

- ▶ What did we learn from the Introductory Interview prior to Miranda and post Miranda Introduction?
- ▶ How did they react to normal questions?
- ▶ Mirror
- ▶ Deceptive; Do not get argumentative, Do not challenge.....
- ▶ Truthful. Use as a positive theme.
- ▶ Hands(hiding), (Mouth Covered)
- ▶ Eyes?????Left Right, Up Down???
- ▶ Go with your experience.
- ▶ Subject can Identify your body language as well. Nerves , shaking,

Micro expressions

- Eyebrows
- Swallow
- Lips
- Uncontrollable shake
- Cheek
- Chest/Heavy breathing
- [Alex Rodriguez video](#)

[Bill Clinton Video](#)



Micro Expression Exercises

Micro expression exercise here with video camera



Truth Indicators

- Arms open
- Legs open
- Sits upright
- Strong tone of voice
- Specific in detail
- Are clear in answers
- Confident
- Argumentative
- Corroborates his alibi
- Corroborates evidence
- Will assist in investigation



Warren Sapp Video




Identify the Truth


It is our responsibility as investigators to be able to identify when someone is telling the truth.

If we cannot accomplish this, we have no business in the interrogation room.

Analyze Verify Confirm Corroborate



Behavior Analysis and Body Language are not definitive in identifying deception. The facts of the case are.





Handling Denials & Objections

- 1. Stop the subject. Hand up and turn your face with a verbal “No” or “STOP”
- 2. Explain your investigative techniques and that you know the case well.
- 3. Ask him not to go in that path because he is not believable.
- 4. Your subject must know that you do not believe his denials and that he is not credible.
- 5. Maintain control of the Interview. Remain professional.
- 6. Transition into a Theme.
- 7. Continue to talk. Don't stop.
- 8. Is it a weak denial or a strong one?
- 9. Deceptive cues. Responses are evasive. Body Language.
- 10. Be careful. If the subject identifies you are bluffing about the evidence in the case, the resistance will be greater. Denials will be stronger.



Stop Denials

- ▶ Can I say something ?
- ▶ Could you please let me say one thing....

- ▶ I didn't do it.
- ▶ I wasn't there.
- ▶ I was with my girlfriend.

- ▶ No. Listen our information is concrete there is no doubt in my mind you are responsible for(turn head away, put hand up)



Allow Objections

- ▶ Why would I do something like that?
- ▶ I am religious.
- ▶ I have a family.


- ▶ **Inv;** I am glad you said that because that supports what I have known about you all along that you are dedicated to.....

Transition into themes



Handling **Denials**

Continue Themes

- 
- ▶ Persuade the subject why an emotional option is important to explain why it happened s the best option.
 - ▶ You don't want others to think you are a monsters and decide the reason this thing happened.
 - ▶ It' s important that you show some compassion. I know that you do.
 - ▶ It's important for his (Victim) family to find closure.
 - ▶ It seems to me that you care for your family, and you would want tell them the real reason rather than the media or others to decide for you.
 - ▶ I am sure you will be respected if you come forward with your true feelings.



Investigators Mistakes and Failures



Investigators mistakes and failures

- Lack of rapport.
- Lack of patience.
- Cares more about himself than the subject.
- Takes the crime personal.
- Talks more about himself.
- Is disrespectful.
- Constant criticism of subject.
- Does not empathize.
- Does not listen.
- Peer pressure.
- Fatigue.



Investigators mistakes and failures video


[Michael D Baily video 20:00m](#)

Video of female investigator from Wal-Mart sexual exposure case here



DON'T MAKE THESE STATEMENTS

- ▶ I am going to help you out. Trust me.
- ▶ There is no way a jury will find you innocent.
- ▶ I may be able to work something out for you.
- ▶ Not even the Judge will believe you.



➤ **If I tell you what happened, what will happen to me?**

➤ A: Listen I can't make you any kind of promises. I don't do that. That is not my job. My Job here is to find out why this thing happened and to get to know how you really feel in your heart and if you really care. Transition into a alternating questions.



Alternative Question

- 1. Did you plan this out or did it happen on the spur of the moment?
- 2. Did you plan to kill him, or did you just want to just get some money.
- 3. Re-emphasize the more desirable alternative question.
- 4. What is the third answer other than the Alternative Question? No! I did not do it.



Karl McKay Video Alternating questions



Confessions



#1 Intro

2 Health / Education

3 Miranda Rights

4 How we investigate /
What's expected

5 Investigative
Questions/Narrative

#6 Accusations/Transition
Statement

#7 Themes

#8 Confessions

STEP #8 Confession and Closing

- ▶ What to do???. Imagine you are five minutes into your interview and the subject confesses?
- ▶ Allow subject to tell his initial story in its entirety without challenging him or being argumentative. When he is done then clarify inconsistencies.
- ▶ Clarify any open questions, details of weapon used caliber, its location, times.
- ▶ Can he confirm if your witnesses were present. Who else was there?
- ▶ Challenge him on inconsistencies. Ask him why he lied to you when he did.
- ▶ Thank him for coming forward. Get up and shake his hand. Tell him you respect him.
- ▶ This is a good time to step out and consult with your team. Make sure everything is covered.
- ▶ Corroborate his additional statement or any independent evidence brought forth.
- ▶ Maintain a certain piece of evidence like type of weapon or caliber of gun from everyone to see if the subject can verify.

Confession

Thank him for coming forward. Get up and shake his hand. Tell him you respect him.

This is a good time to step out and consult with your team. Make sure everything is covered.

Corroborate his additional statement or any independent evidence brought forth.

Maintain a certain piece of evidence like type of weapon or caliber of gun from everyone to see if the subject can verify.



Confession / gun clarifying issues

Michael Wynder caught in a lie

Confession

- ▶ Have the subject describe how they physically committed the crime.
- ▶ Have them stand up and show you how they shot or stabbed the victim.
- ▶ Use yourself as the victim. (safety)
- ▶ Can he identify the scene?
- ▶ Can he identify witness present?
- ▶ Can he identify the weapon?
- ▶ DO NOT FEED INFORMATION TO THE SUBJECT!!!



Darnell Parker Clarifying confession

Clarifying Confession D.P.



Russell Williams Part 2

[Russel Williams Concerned about wife impact part 3](#)

[Russell Williams explains why he killed two women and two others lived](#)



Types of confessions

- Complete admission incriminating statement..
- Blames co-defendant.
- Leaves embarrassing information out.
- Denies it but knows who did it and wont say.
- Takes full blame when others were involved. (family members, secret lover)
- Says he is just a witness.
- False Confession



STEP# 8 Confession and Closing Cont...

- ▶ How do you feel now after you have come forward with this information?
- ▶ Have I made you any threats or promises to you today?
- ▶ Is there anything that you have not told me that you think is important and that I should know about now before I find out later and it could be a problem?
- ▶ Is everything that you have told me today the truth?
- ▶ Did you have an opportunity to go to the bathroom and get something to eat?

Closing the interview

- If you had an opportunity to say anything to the family of the victim, what would you say?
- Do you think if you would not have been arrested/ stopped would you have continued?
- What do you think was the cause/origin history of all these actions that lead to this?
- Were there any mistakes that you think you made that the police could have stopped you and all of this could have been prevented?
- Would you be willing to come back in case we have additional information ask?
- Give him your business card



Closing Interview Exercise



Interviewing subjects at Correctional facilities.

- Make appointments if necessary.
- Usually, a weeks notice for Federal Corrections.
- State or local jails avoid giving name ahead of time of inmate if possible.
- Inquire of any times allotted for interviews or events that may interrupt interview.
- Avoid if possible, issuing arrest warrants prior to interview
- Detainer in system at facility.



False Confessions



False Confessions, concerns;

1. Let them go to the restroom.
2. Let them eat.
3. Stress on Juveniles.
4. Length of times.
5. I'll tell you whatever you want to hear. (Clear it up immediately)
6. Promises of leniency.
7. Do not deprive them of biological needs. (dismissible)

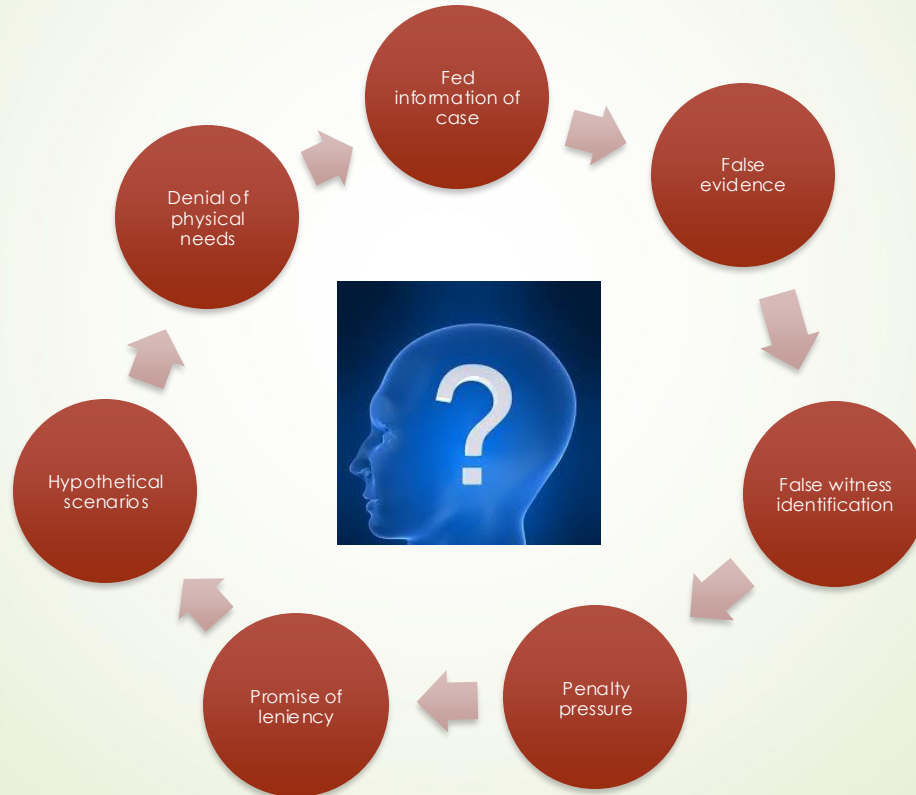


False Confessions

Who admits to crimes they did not commit?

- Coerced subjects by inexperienced investigators.
- Memory laps
- Easily convinced
- Knowledge through media/Gain fame
- Go back to jail
- Protecting others
- Fear of physical punishment from investigator

Causes of False Confession



What causes Investigators to induce a *False Confession* ?

- Witness *miss identification* of suspect.
- Improper corroboration of case facts and evidence with confession.
- High profile *case pressure*.
- Witness *revenge accuse* rival gang member of crime.
- Old school mentality of *no Interrogation training needed*, life experience.
- *Lack of supervision* of interrogation.
- Police Department *no Mandatory training* for Interviews and Interrogation.
- *Lack of* additional and continuous *practice* of Interviews and Interrogation.



Avoid false evidence tactics

Lie detector exams/reports

Fake video tapes

Fake DNA reports

Fake print analysis reports

If he is not going to confess, he is not going to confess. Don't push it!!

Ryan Fergusson Case



Ken Heitholt



Charles Erickson Interrogation



Ryan Fergusson

Charles Chuck Erickson Interview by Columbia, Mo. Police who dreamed that he killed Columbia Daily Tribune sports editor Ken Heitholt. Ryan Fergusson wrongfully convicted 40 years

Ryan Fergusson Case video



Ryan Fergusson

Michael Crow False Confession



Stephanie Crow



Michael Crow

[Michael Crow Interrogation 14:00m](#)

Coerced Confession / The murder of Stephanie Crow

Interviews and Interrogations


Michael Dixon Wrongfully accused

[Michael Dixon case video 26:00m](#)

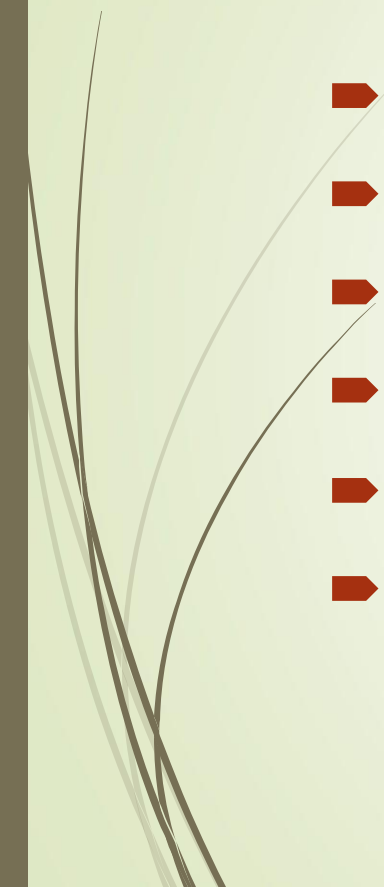


Burglary case

Michael Dixon was awarded \$46,000.00 and investigator was suspended for failing to follow up.



AFTER THE INTERVIEW

- ▶ Video walk through of scene
 - ▶ Contact CSI for DNA Swabs
 - ▶ Pictures
 - ▶ Taking of clothing
 - ▶ Prints
 - ▶ DNA WARRANT
- 



Critique your Interview skills

- Imperative for higher performance
- Review video
- Critique with your partner.
- What could have been done better?
- What did we miss?
- What mistakes did we make?
- Did I listen and verify?
- What worked in this occasion?



Video fxta

Dallas witness knocker

Cayde Lysh stabbing case 20:00m


Stein killer with cane female 05:00m



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