

**Criminal Justice Standards and Training Commission
Florida Department of Law Enforcement**

047 Interviews and Interrogations

April 1, 2010

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(Updated March 1, 2019)

Course Guide

Criminal Justice Advanced Course

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Updates

This course was updated on January 20, 2011 with the following changes:

- Updated Front Material
- Addition of item (12) and content to Objective 2-1., of Lesson 2 Legal Issues

See Curriculum Alert 2011-01

This course was updated on October 1, 2011 with the following changes:

- Updated Front Material
- Addition of content Lesson 6 Interviewing Juveniles to Objective 6-2.

See Curriculum Alert 2011-20

This course was updated on July 1, 2016 with the following changes:

- Updated Front Material
- Updated Rule 11B-35.001(9) reference to 11B-35.001(8) in Foreword

- Addition of content to Objective 2-8., of Lesson 2 Legal Issues
- Addition of *State v. McAdams*, 41 Fla. L. Weekly S167a (Fla.) (2016) to Objective 2-1.
- Addition of content to Objective 3-5., Lesson 3 Preparing for an Interview

See Curriculum Alert 2016-01

This course was updated on October 1, 2017 with the following changes:

- Updated Front Material
- Addition of new Lesson 8 on Aiding Eyewitness Identification during Show-Ups and Photo Lineups
- Addition of Lesson 9 as Practical Exercises

See Curriculum Alert 2017-16

This course was updated on March 1, 2019 with the following changes:

- Updated references to F.A.C. in course Foreword

Acknowledgments

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Developed with the assistance of:

Okaloosa County Sheriff's Office
Orange County Sheriff's Office
Orlando Police Department
Private trainers
Retired officers

Foreword

This course is part of the Criminal Justice Standards and Training Commission Advanced Training Program. Courses in the Advanced Training Program are designed to enhance an officer's knowledge, skills, and abilities for job performance. Instruction of an advanced course must meet the total hours assigned to the course, regardless of the flexibility provided within the course content.

The hours assigned to each lesson are an estimate of the time needed to thoroughly cover the stated goals and objectives. While all objectives in this course must be covered and all training hours met, training schools and instructors have the flexibility to redistribute topic hours in areas where greater emphasis is needed. The criminal justice discipline of the majority of class participants may also affect topic emphasis. At the instructor's discretion, additional learning aids may be used to enhance instruction of the learning goals and objectives. Elective topic areas are limited to those suggested in the Course Outline.

Students must pass an end-of-course examination with a minimum score of 80%. See Rule 11B-35.001(10), F.A.C.

Students should have successfully completed the basic recruit training program or have been exempted prior to taking this course. Officers who successfully complete this course within the assigned hours may be eligible for salary incentive payments or may apply this course toward satisfying their mandatory retraining requirement. See Section 943.22, F.S., and Rule 11B-35.006, F.A.C.

Evaluation and Feedback

Instructors and students are encouraged to contact FDLE directly and leave feedback. We strive to constantly improve our curriculum and appreciate hearing about areas in which the course could be refined, as well as any other feedback. Please email curriculum@fdle.state.fl.us or call the Professionalism Division directly at 850-410-8600.

Course Outline

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Electives (up to 4 hours)

This course may include a total of 4 hours of elective topics relative to local agency needs.

Suggested elective topics include:

- Applicable case law scenarios
- Statement analysis (written and verbal)
- Kinesics
- Lie detection instrumentation
- Listening skills
- Communication skills
- Two-person interviews
- Use of translators
- Photo lineups and show-ups

Testing and Evaluation (2 hours)

Summary

Course Goal: To provide criminal justice officers with the skills and techniques for conducting effective interviews during an investigation

Structure of Course: 9 lessons

Total Time: 40 hours

Materials and Supplies Required

Florida Statutes

applicable case law

applicable federal law

scenarios and role-play exercises

Scenarios for role-play will be prepared by the instructor and are required for hands-on application of the concepts and skills taught in this course. These exercises may be conducted after each lesson or at the end of the course.

References and Suggested Readings

Case Law:

- Brewer v. Williams*, 430 U.S. 387 (1977)
Brown v. Illinois, 422 U.S. 590 (1975)
Brown v. Mississippi, 297 U.S. 278 (1936)
Chambers v. Florida, 309 U.S. 227 (1940)
Escobedo v. Illinois, 378 U.S. 478 (1964)
Maryland v. Shatzer, 130 S.Ct. 1213 (2010)
Massiah v. United States, 377 U.S. 201 (1964)
Miranda v. Arizona, 384 U.S. 346 (1966)
New York v. Quarles, 467 U.S. 649 (1979)
Oregon v. Mathiason, 429 U.S. 492 (1977)
Ramirez v. State, 739 So.2d 568 (1999)
Rhode Island v. Innis, 446 U.S. 291 (1980)
State v. McAdams, 41 Fla. L. Weekly S167a (Fla.) (2016)

Federal Laws:

Fifth, Sixth, and Fourteenth Amendments to the United States Constitution

Florida Department of Law Enforcement. (2009). *Florida basic recruit training program: Law enforcement, Volume 1*.

Florida Department of Law Enforcement. (2009). *Traditional correctional basic recruit training program. Course guide*.

Nierenberg, G. & Calero, H. (1971). *How to read a person like a book*. New York, NY: Simon and Schuster.

Schafer, J. R. & Navarro, J. (2003). *Advanced interviewing techniques: Proven strategies for law enforcement, military, and security personnel*. Springfield, IL: Charles C. Thomas.

Lesson 1: Course Introduction

Learning Goal: The student will recognize the differences between an interview and interrogation.

Introduction

Law enforcement and correctional officers will learn practical interviewing skills to apply in every investigation. Interviewing is an important phase of an investigation because through the interview process a majority of case information is obtained and cases are solved.

The purpose of this course is to teach the knowledge, skills, techniques, and attitudes that will enable an officer to conduct effective interviews. A law enforcement investigator interviewing a homicide witness, a patrol officer interviewing a witness to a traffic crash or a domestic violence incident, and a correctional officer interviewing an inmate or probationer about possession of contraband can use the same techniques with effective results.

This course focuses on two main topics: preparing for an interview and conducting an interview. In addition, the relevant case law related to interviews and interrogations is covered.

1-1. Differentiate between *interview* and *interrogation*.

An *interview* is a spontaneous or planned conversation by which information is sought, obtained, and evaluated from persons having knowledge of events or circumstances related to a crime or incident.

An *interrogation* is a process in which information acquired during the investigation is matched to a particular suspect for the purpose of gaining admissions or a confession as related to a crime or incident. An interrogation may be custodial or noncustodial.

Generally, interviews are associated with victims, witnesses, informants, and complainants, while interrogations are associated with suspects. The term *investigative interview* may be applied to both an interview and interrogation.

The perceived difference between interview and interrogation is the harshness of the approach. The practical and legal difference is related to custody and the intent of questioning.

1-2. Identify the purpose of conducting an interview or interrogation.

The purpose of both interviews and interrogations is to collect facts and ascertain what occurred during an incident. The topic of the conversation depends on the interviewee and his or her knowledge of events or involvement in a crime. The goal is to obtain a truthful statement, admission, or confession.

Lesson 2: Legal Issues

Learning Goal: The student will learn the legal constraints of conducting interviews and interrogations.

Introduction

The Fifth and Sixth Amendments to the United States Constitution guarantee certain rights to subjects when being interviewed and/or interrogated in connection to a crime. Applying these rights fairly and consistently during the investigative interview process is crucial to the admissibility of any statements made by the suspect.

Every law enforcement officer is familiar with the *Miranda* warnings. In fact, anyone who watches television could probably recite the warnings without trouble. Knowing when they apply and how effectively to advise a suspect of his or her *Miranda* rights is a bit more complicated.

2-1. Summarize case law that affects the use of police interviews.

- (1) *Brown v. Mississippi*, 297 U.S. 278 (1936)—Use of force in obtaining a confession will make the confession inadmissible.
- (2) *Chambers v. Florida*, 309 U.S. 227 (1940)—Confessions will be inadmissible when intimidation or coercion are employed through brutality, deprivation, extended incommunicado interrogation, or questioning above the IQ level and age of a suspect.
- (3) *Massiah v. United States*, 377 U.S. 201 (1964)—Under the Sixth Amendment’s guarantee of the defendant’s right to counsel, the defendant’s incriminating statements, elicited by government agents after he had been indicted and in the absence of his counsel, were not admissible at his trial.
- (4) *Escobedo v. Illinois*, 378 U.S. 478 (1964)—When questioning shifts from investigation to focusing on the subject with the purpose of obtaining a confession, the refusal to honor the accused’s request to consult with his or her attorney will make the statements inadmissible.
- (5) *Miranda v. Arizona*, 384 U.S. 346 (1966)—Whenever a person is taken into custody or otherwise deprived of his or her freedom in any significant way, he or she must be given warnings of specific rights regarding self-incrimination, or any statements made will be inadmissible.
- (6) *Brown v. Illinois*, 422 U.S. 590 (1975)—When a person is illegally arrested (without a warrant and without probable cause), incriminating statements made are inadmissible regardless of the use of *Miranda*.
- (7) *Oregon v. Mathiason*, 429 U.S. 492 (1977)—*Miranda* warnings are not necessarily required simply because questioning takes place in a police station or because the questioned person is a suspect; there must be some restriction of freedom to place the suspect “in custody.”

- (8) *New York v. Quarles*, 467 U.S. 649 (1979)—*Miranda* warnings need not be given prior to asking a suspect questions reasonably prompted by a concern for public safety.
- (9) *Rhode Island v. Innis*, 446 U.S. 291 (1980)—*Miranda* warnings are required whenever a person in custody is subjected to express questioning or its functional equivalent, i.e. words or actions by law enforcement designed to bring an incriminating response from the suspect.
- (10) *Ramirez v. State*, 739 So.2d 568 (1999)—Custody for purposes of *Miranda* encompasses not only formal arrest, but any restraint on freedom of movement of the degree associated with formal arrest.
- (11) *Brewer v. Williams*, 430 U.S. 387 (1977)—Statements made by police designed to elicit incriminating information may be considered “interrogation” even though no questions are asked directly of the suspect.
- (12) *Maryland v. Shatzer*, 130 S.Ct. 1213 (2010)—There must be a 14 day break between the end of the initial custodial interrogation of the subject and any resumption of interrogation of that subject. This can mean that if the subject is incarcerated, that he is returned to the general population for at least 14 days prior to being questioned again.
- (13) *State v. McAdams*, 41 Fla. L. Weekly S167a (Fla.) (2016)—Law enforcement must notify suspects of the presence of their attorney during questioning, regardless of whether the suspect is in custody.

2-2. Identify when *Miranda* warnings are required.

Miranda applies only to custodial interrogations. A *custodial interrogation* includes the following conditions:

- The person is under arrest or is otherwise restrained.
- The interviewer is asking questions or engaged in other activity designed to elicit an incriminating response.

2-3. Explain what conditions constitute custody.

Custody doesn't just mean physically under arrest and restrained, and interrogation isn't only heated, accusatory questions. It essentially means that a suspect is deprived of freedom in a significant way. If a suspect reasonably believes that he or she is compelled to talk to you and is not free to walk away from the interview, the interaction is likely custodial. An interview with a person in his or her home may be considered custodial thus requiring *Miranda*, while meeting the same person in a police department interview room may not require the warnings.

2-4. Identify how courts determine custody for *Miranda* purposes.

In determining whether a suspect was in custody for *Miranda* purposes, courts will first examine the circumstances surrounding the interview. The location and time of day of the meeting, how the suspect was transported to the meeting, and the number of law enforcement officers present will all have a bearing on the question of custody.

The court will also ask whether a reasonable person in the suspect's position would have felt free to end the interview and leave. If not, the interview will be considered custodial. In *Ramirez v. State*, 739 So.2d 568 (1999), the court ruled that

“The determination of whether a reasonable person in the suspect's position would consider himself in custody for purposes of *Miranda* requires consideration of the manner in which the police summoned the suspect for questioning; the purpose, place, and manner of interrogation; the extent to which the suspect is confronted with evidence of his guilt; whether the suspect is informed that he is free to leave the place of questioning.”

2-5. Identify how courts evaluate an interrogation for *Miranda* purposes.

Even if a suspect is in custody, *Miranda* is not required if you are not interrogating him or her. Interrogation for *Miranda* purposes means an attempt to elicit incriminating testimonial information. Requesting a suspect to provide a DNA swab, for example, is not an attempt to elicit testimonial incriminating evidence, so *Miranda* is not required. Some courts have held that use of the standardized field sobriety exercise in a DUI case is testimonial and requires *Miranda* warnings if the suspect is in custody.

If you are directly or indirectly attempting to elicit an incriminating response, you may be interrogating the suspect, even if you don't ask a question as traditionally defined. In *Rhode Island v. Innis*, 446 U.S. 291 (1980), the Supreme Court said that *Miranda* applies whenever a person in custody is subjected to interrogation, i.e., either express questioning or its functional equivalent that “the police should know are reasonably likely to elicit an incriminating response from the subject.” Engaging in a long monologue in the presence of a suspect may be considered “interrogation” if the nature of the speech is such that it could be considered likely to elicit an incriminating response.

The “Christian burial” speech is an example of such a device that was condemned by the U.S. Supreme Court in the case of *Brewer v. Williams*, 430 U.S. 387 (1977). In that case, Williams was arrested for killing a 10-year-old-girl in Iowa. The defendant was arrested in Davenport, and at his arraignment, was advised by his court-appointed lawyer not to talk to police while he was being transported back to Des Moines where the murder had occurred. The police agreed not to question him about the crime during the trip. En route to Des Moines, Williams said he did not want to talk about the case but would tell everything after he talked with his Des Moines lawyer. One of the detectives said the following to Williams, who was a former mental patient and known by the detective to be deeply religious:

“I want to give you something to think about while we're traveling down the road. . . . Number one, I want you to observe the weather conditions, it's raining, it's sleeting, it's freezing, driving is very treacherous, visibility is poor, it's going to be dark early this evening. They are predicting several inches of snow for tonight, and I feel that you yourself are the only person that knows where this little girl's body is, that you yourself have only been there once, and if you get a snow on top of it you yourself may be unable to find it. And, since we will be going right past the area on the way into Des Moines, I feel that we could stop and locate the body, that the parents of this little girl should be

entitled to a Christian burial for the little girl who was snatched away from them on Christmas Eve and murdered. And I feel we should stop and locate it on the way in, rather than waiting until morning and trying to come back out after a snow storm and possibly not being able to find it at all.”

Williams told the detectives where the body was and confessed to the murder. The Supreme Court ruled that use of the “Christian burial” speech amounted to interrogation and violated Williams’ Sixth Amendment right to counsel and to silence. Writing for the Court, Justice Potter Stewart recognized that “[t]he crime of which Williams was convicted was senseless and brutal, calling for swift and energetic action by the police to apprehend the perpetrator and gather evidence with which he could be convicted.” He then noted that the Court did not “lightly” rule in Williams’ favor. However, he wrote:

“. . . so clear a violation of the Sixth and Fourteenth Amendments as here occurred cannot be condoned. The pressures on state executive and judicial officers charged with the administration of the criminal law are great, especially when the crime is murder and the victim a small child. But it is precisely the predictability of those pressures that makes imperative a resolute loyalty to the guarantees that the Constitution extends to us all.” 430 U.S. at 406

2-6. Explain the possible results of failure to properly give *Miranda* warnings.

Failure to advise a suspect properly of the *Miranda* warnings when they are required will result in the exclusion of any admissions or confession the suspect may have given. In addition, any additional evidence acquired as a result of the suspect’s statement may also be suppressed because of the taint from the *Miranda* violation under the “fruit of the poisonous tree” doctrine.

2-7. Explain the importance of obtaining a waiver of rights from a subject.

After properly giving the warnings, you may lawfully interrogate the suspect only if he or she *knowingly* and *voluntarily* waived the right to remain silent and to seek the advice of a lawyer. Although the waiver doesn’t need to be in writing—it can even be implied through the suspect’s actions—you should seek a written waiver if possible.

A “knowing” waiver is reviewed in light of the suspect’s age, education, language proficiency, circumstances of the advising of rights, mental condition, and whether or not he or she is under the influence of drugs or alcohol. The “voluntary” aspect of the waiver means you didn’t do anything to coerce him or her into talking to you. Coercion can take subtle forms, so be careful not to do or say anything that could be misinterpreted as coercive. Limiting the number of officers present during the interrogation is important in this regard.

2-8. Identify proper actions when a subject invokes a constitutional right of silence or requests counsel.

If a suspect invokes his or her right to remain silent or to counsel, all questioning must cease immediately. You may re-approach a suspect who only invoked his or right to remain silent after

at least two hours to see if he or she is willing to talk to you. If so, you must read the *Miranda* warnings again and ensure that a waiver is knowing and voluntary. A suspect who invokes his or her right to an attorney may not be re-approached until the custody status changes.

An in-custody suspect who has been formally charged may have a Sixth Amendment right to counsel applied to his or her case, so check with the state attorney or your department legal advisor before re-approaching that person to question them. Of course, if the suspect initiates contact, you may interrogate him or her after again reading the *Miranda* warnings and obtaining a knowing, voluntary waiver.

A subject with autism or an autism spectrum disorder has the right, upon his or her request or the request of his or her parent or guardian, to have a mental health or other related professional present at all interviews. If this request is made, the officer must make a good faith effort to ensure that such a professional is present.

2-9. Differentiate between the constitutional rights afforded to suspects under the Fifth and Sixth Amendments.

The chart below summarizes the application of the Fifth and Sixth Amendment rights to silence and counsel:

COMPARISON OF FIFTH AND SIXTH AMENDMENTS

	Fifth Amendment		Sixth Amendment
	Right to Silence	Right to Counsel	Right to Counsel
Attaches:	Custody + Interrogation	Custody + Interrogation	Formal Charging: At or after adversary judicial proceedings have begun
Applies:	While in custody only	While in custody only	At critical stages, whether or not in custody
If Asserted:	Questioning must not be initiated/must stop	Questioning must not be initiated/must stop	Questioning must not be initiated or must stop
Covered crimes:	Any & all crimes	Any & all crimes	Charged crimes – offense specific
Waiver:	<i>Miranda</i> warnings & waiver	<i>Miranda</i> warnings & waiver	<i>Miranda</i> warnings & waiver
Re-contact:	May re-initiate if silence is scrupulously honored (minimum 2 hours)	Barred unless suspect initiates, or lawyer is present	Barred unless suspect initiates, or lawyer is present

Lesson 3: Preparing for an Interview

Learning Goal: The student will identify the necessary steps for preparing to conduct an investigative interview.

Introduction

To conduct a successful investigation, it is essential that the investigator be prepared and knowledgeable when conducting all types of interviews. These interviews will serve as the foundation towards the resolution of the investigation.

3-1. Identify the who, what, when, where, why, and how facts of the case.

- (1) Establish the elements of the crime.
 - What occurred? What was the method of operation?
 - Was it a crime against persons? (Note Florida Statute.)
 - Was it a crime against property? (Note Florida Statute.)
 - Who was involved?
 - When did the incident occur? (date and time)
 - Where did the incident occur? (establishes jurisdiction)
 - Why did it happen? Is there a known motive for the incident?
 - How did it happen?
- (2) Review the case facts as known (at the scene, when possible).
- (3) Identify person(s) who can give you the maximum amount of information.
 - Document witnesses' identity (or aliases) and contact information.
 - Document witnesses' basic observations.
 - Obtain a description of the suspect, when possible.
 - If applicable, interview the victim's associates.
 - If applicable, interview the suspect's associates.
- (4) Conduct a post-scene case review of case facts.
 - offense and any arrest reports
 - victim's statement
 - statements of witnesses
 - information pertaining to the suspect, associates, etc.

- photographs, laboratory reports, evidence, etc.

3-2. Document the case with organized notes.

- Notes are useless if not written legibly.
- Notes help you remember important facts.
- Notes are helpful if another officer becomes involved in investigating the case.
- Notes help you complete your final investigative report.

3-3. Establish a timeline for the events leading to the incident.

Update the information as facts are discovered. This tool will help keep the case organized. Timelines help establish what you know, what you don't know, and what you need to know.

3-4. Develop a list of specific questions that must be answered throughout the investigation and interview process.

As the investigation continues, you will formulate additional questions. This list will help you ask the important questions that will establish the elements of the crime and the individuals involved. Address these questions in subsequent interviews or re-interviews.

3-5. Obtain background information on all persons involved in the case.

The information may be contained in a report, or you may have to conduct a thorough search for background information. The extent of the search depends on the type of crime and the people involved. Background information will help establish the interviewee's normal behavior patterns, build rapport, and assist in developing themes that relate to the interviewee.

The following types of personal information will be helpful:

- full name
- nickname or preferred name
- aliases
- date and place of birth
- physical address (street name and apartment number) and how long
- driver license number
- Social Security number
- ethnic origin
- family and relatives (e.g., parental relationships, marital history, siblings)
- level of education
- socioeconomic status

- primary language (decide if a translator is needed)
- employment
- medical history (mental, physical; an individual with an autism diagnosis is entitled to have a mental health or other related professional present, if the individual or parent of the individual so requests)
- use of tobacco and/or alcohol products
- use or sale of illegal drugs
- military experience
- religious affiliation
- membership in organizations or associations
- hobbies
- criminal history
- driving record
- credit report
- insurance

3-6. Classify the interviewee.

- (1) victim—the person or business against whom the crime was committed
- (2) witness—one who was present personally and perceives information about the incident through any of their five senses. A witness may also be an expert witness or one who otherwise possesses information or documents related to the case.
- (3) suspect and/or accomplice—one who is believed to have committed an offense
- (4) informant—one who confidentially provides information and whose identity is not normally disclosed until required by law
- (5) complainant—one who reports the crime

Note: These classifications are subject to change as the investigation proceeds (e.g., a witness may become a suspect).

3-6.A. Assess the interviewee's attitude.

The interviewer should keep in mind different attitudes displayed by the interviewee could indicate a variety of motives, which may or may not be genuine.

- cooperative—willing to answer your questions; appears to have nothing to hide. Beware of overly cooperative interviewees.
- reluctant—unwilling to answer questions; may be protecting someone or fears getting involved. The interviewee may have a general fear of the situation and/or the interviewer.

- hostile—uncooperative, unfriendly, aggressive attitude. The interviewee may be intentionally deceptive with relevant information. Hostility may be due to preconceived notions regarding authority or an attempt to conceal his or her involvement in the incident.

3-6.B. Determine the interviewee's competency and credibility to testify in court.

Factors include age, level of intelligence, mental state, relationship to individuals involved in the case, prejudice or bias, language barrier, mental state or impairment, and his or her presence, consciousness, and attentiveness at the scene of the incident.

Determine if additional expert witnesses are needed, e.g., an investigator who specializes in arsons or sex crimes.

3-7. Prepare physically and mentally for the interview.

- (1) Dress appropriately (uniform or plain clothes) and present a professional image. You should be clean and free of mouth and body odor. Your clothes should be clean and pressed.
- (2) Arrive with proper equipment in working order such as audio or video recorder, paper and pen for note taking, file folder (real or simulated), photo lineup, facial composite kit, etc.
- (3) Review case facts and prepare relevant questions to ask.
- (4) Be prepared to use a variety of interview techniques, interpersonal skills, acting skills, and skills to motivate and persuade. Special items such as pictures and crayons can be used to interview children. Know and follow your agency policies and procedures for interviewing juveniles.
- (5) Be self confident, persistent, resourceful, compassionate, open minded, and objective.
- (6) Be aware of your preconceived attitudes, prejudices, moral beliefs, and emotions. Leave them out of the interview room.

3-8. Make contact with the interviewee in person or by telephone.

If you make the contact in person or by telephone, conduct a preliminary interview or set a date and time for an interview. In some instances, it is wise to make an unexpected visit to a person's home or workplace.

A detailed phone interview is not recommended to take the place of a person-to-person interview; however, phone contact can be a means of screening potential interviewees (e.g., victim, witness, informant) to determine whether an interview in person is necessary. Prior to the phone call, decide whether the call should be recorded for future evaluation. Be familiar with your agency's policy on recording phone calls.

State the purpose of the requested interview: to ask a few brief questions to determine what the

person knows about the incident.

An authoritarian approach may be in order when a potential interviewee is reluctant to talk to you. Use your position of authority to persuade, but do not coerce.

3-9. Evaluate the case status continually.

Review information about the case frequently. Identify areas that need clarification and direct questions to the persons most likely to provide the missing information. Re-evaluate priorities and conduct follow-up interviews as necessary.

3-10. Determine the best location and time for the interview.

(1) At the scene interviews:

- Establish information about the incident and identify those involved immediately.
- First talk to the person(s) who can give the most information.
- Don't interview more than one person at a time.
- Consider your safety and that of the interviewee; maintain the ability to control the interview and interviewee.
- Keep a distance from other people involved in the incident to avoid others overhearing the interview.
- Separate witness(es), victim(s), and suspect(s) so that stories are not contaminated or rehearsed.
- Be aware of individuals who may be reluctant or fearful to cooperate while at the scene.

(2) Post-scene interviews:

- Select the location that is best for you and the interviewee: your office, the interviewee's home or workplace, etc. An area that maintains privacy is always preferred.
- Consider your safety and that of the interviewee. Remember that your office gives you maximum control of the setting.
- Consider privacy and convenience to the interviewee, as appropriate.

(3) Pick a time for the interview.

- Schedule enough time for the interview.
- Interview individuals involved in or knowledgeable about the incident as soon as practical.
- Choose a time that is convenient for the interviewee, if possible.
- Alibi witnesses should be promptly interviewed to minimize the possibility of their setting up a false alibi.

3-11. Minimize distractions and control the interview setting.

- (1) Keep the interviewee's attention focused on you.
- (2) At the scene, control the crowd, consider flashing lights, and separate the victim(s), witness(es), and suspect(s).
- (3) For interviews conducted in your office, try to eliminate phones, pictures, personal belongings, and anything that would distract the interviewee.
- (4) Eliminate law enforcement-related items such as handcuffs, weapons, certificates or plaques, and jewelry, when possible.
- (5) Select the appropriate room.
- (6) Control personal liberties, such as eating, drinking, smoking, or telephone and restroom use, within the limits of the law.

3-12. Choose the physical arrangement of the room for the interview.

Position yourself close to the interviewee, but do not encroach on his or her personal space. Position chairs or stand so that you are facing the interviewee. If another interviewer or a translator is present, the person should position him- or herself to minimize distractions.

Lesson 4: Interview Techniques

Learning Goal: The student will learn how to identify verbal and nonverbal cues during an interview and introduce various types of interview techniques.

Introduction

The most crucial aspect of any interview or interrogation is the interviewer’s ability to elicit truthful information from the interviewee. The techniques in this lesson are the most frequently used and effective in many circumstances. In addition, verbal and nonverbal cues are essential in detecting deception and/or truthfulness when used in conjunction with various interview techniques.

4-1. Recognize verbal and nonverbal cues indicating an interviewee’s truthfulness or deception.

The study of kinesics focuses on the communicative aspects of hands and arms, posture, and gross bodily movements. Behavioral analysis (kinesics) allows the interviewer to analyze body language as well as verbal responses of the interviewee. To be effective, the interviewer must listen attentively and observe the interviewee closely. The technique requires the use of standard investigative questions and selected questions designed to evoke verbal and nonverbal responses. It is beneficial to incorporate behavioral analysis during the interview process.

4-1.A. Identify factors that indicate an interviewee’s deception through observation and evaluation of behavioral analysis.

- (1) Physiological signs—increased perspiration, flushed or pale skin, dry mouth, and increased pulse rate or observable change in breathing rate
- (2) Behavioral signs—nervous movements, pacing, voice inflections, inability to sit still, refusal to look at questioner, rehearsed answers, inconsistent responses, attempts to change line of questioning, over-eagerness to help, too much or too little clarification, and repeated insistence that simple questions are not understood

(3) Verbal expressions

“I swear to God. . .” or “I’ll swear on a stack of Bibles . . .”

“Why would I do such a thing?”

“Not that I recall.”

“I have a spotless record.”

“Now, I’m not going to lie to you. . .”

“I was too drunk to remember.”

“Honestly . . .” or “Truthfully . . .”

“. . . that’s about it.”

4-1.B. Identify factors that indicate an interviewee’s truthfulness through observation and evaluation of behavioral analysis.

- (1) Body language—open and receptive body posture, maintaining eye contact with the interviewer, composed, relaxed
- (2) Behavioral signs—answers that are unrehearsed, consistent, direct, exhibiting confidence, obvious sincerity in assisting the interviewer

4-1.C. Identify how to evaluate factors indicating truthfulness or deception.

It is important for the interviewer to properly evaluate the reliability of the interviewee’s verbal and nonverbal behaviors. Nonverbal behaviors should be congruent with verbal responses and should be read in “gesture clusters” within zero to six seconds after the interviewee is asked the question. When gestures are in clusters, their meaning becomes easier to read. For example, while an interviewee’s fidgeting may not mean much on its own, if he or she is touching his or her face, avoiding eye contact, and holding his or her hands near the mouth and fidgeting, odds are the interviewee is not being entirely honest.

The interviewer should be cautious to identify the interviewee’s (truthful) responses and nonverbal language during the initial interview during which background information was obtained. Utilize these observations throughout the interview process.

4-2. Describe the cognitive interview technique.

The most effective interview tactics will depend on numerous factors, such as the role of the interviewee, the interviewee’s background information, the type of crime, the location of the interview, etc.

The cognitive technique is used to elicit information from the interviewee that may have been overlooked during a standard interview. The technique involves asking questions designed to reveal cognitive memory through the five senses. Generally, cognitive interviews are used when interviewing victims and witnesses.

Example questions may include:

- Who?—Ask the interviewee to explain who was present, the relationships of those present, and the reason for persons being present.
- What?—Ask the interviewee to explain what the circumstances were, what the surroundings were like, what items were at the scene, what people were doing, etc.
- When?—Ask the interviewee to recall date(s), before or after a significant event in time (birthdays, holidays, anniversaries, or current events), time of day the incident occurred (before breakfast, after lunch, daylight, or night), weather conditions (cold, hot, raining), etc.
- Where?—Ask the interviewee where the incident occurred, e.g., on the street (type of street, dirt, brick, concrete, sidewalks or not), at a house, apartment, business (address), park, etc.

- Why?—Ask the interviewee why something happened. Impress upon the interviewee not to leave out any information, regardless of whether he or she believes it is important.
- How?—Ask the interviewee how the events or incident took place.

4-3. Explain the usefulness of themes and analogies during the interview process.

Using persuasive interview techniques requires imagination and application of various themes and analogies to the situation and relevant issues. In order to be successful, skilled interviewers must have a working knowledge of human behavior and motivation.

Theme development is a persuasive technique that involves using themes to relate to the interviewee and circumstances surrounding the incident. It urges the interviewee to understand your point of view and justifies the value of telling the truth. Themes serve to morally—not legally—justify a crime. A theme does not relieve the suspect of legal responsibility or consequences for their actions, but rather allows them to save face and dignity.

A theme is designed to present the suspect with some type of moral justification for their behavior. Most people tend to minimize or rationalize responsibility for their actions by placing blame on someone or something else.

Analogies involve using a comparison between a good choice or a bad choice that can be presented to the interviewee regarding his or her behavior. Examples include the following:

- “Who deserves the most respect: a liar or the honest person who admits he made a mistake?”
- “Wouldn’t your children respect you more for telling the truth?”
- “In this case, would you rather be treated as a person who is a criminal or a person who made a mistake?”

Other examples of themes and analogies include empathetic and/or sympathetic, rationalization/minimization, and logical/direct approach.

4-3.A. Describe the empathetic and/or sympathetic interview technique.

This technique requires the interviewer to show empathy (personal understanding) or sympathy (compassion) to gain the interviewee’s confidence. Examples include the following:

- “Anyone in this situation might have done the same thing.”
- “I understand your problem, I’ve been there.”
- “My friend (or relative) worked out a similar problem by admitting his mistakes and starting a new life.”

4-3.B. Describe the rationalization/minimization theme for an interview.

This technique helps the interviewee justify and explain his or her actions. Examples include the following:

- “You had to take it to buy medicine.”
- “You couldn’t let him get away with it after what he did to you.”
- “I understand that you were not trying to hurt anyone; you were just having fun and things got out of hand.”

4-3-C. Describe the logical/direct approach during an interview.

This technique confronts a suspect or witness with the facts of the case and gets right to the point of the interview. It is most effective when there is sufficient evidence of the interviewee’s involvement or guilt. The interviewer does not act with arrogance, but confidently lays out the case by taking the interviewee back in time before the event or incident occurred. Examples include the following:

- “Our investigation and evidence shows that you are the person who cashed this check at the Commerce Bank on the January 22, and I’d like to give you the opportunity to explain how you got involved in this situation.”
- “My sources tell me that you were at the sports bar the night of September 7th. You were seen arriving at 6:00 p.m. and leaving around 8:30 p.m. I’m not concerned about why you were there or who you were with; I just want your story about what happened.”

4-4. Identify the value of using deception as an effective interview tool.

Courts have ruled that officers may use deceptive tactics during interrogations to elicit incriminating statements from suspects. For example, telling a suspect that he has been identified by a witness, telling a suspect that material evidence such as fingerprints has been found, or telling a suspect that an accomplice has confessed have all been deemed acceptable practices. Be cautious that your statements will be evaluated by the interviewee and, if known to be untrue, the interviewer risks losing credibility. The interviewer should be cautioned against manufacturing evidence of any type.

Lesson 5: Conducting an Interview

Learning Goal: The student will learn the process of conducting an effective interview.

Introduction

A successful interview depends on following an established and proven process encompassing rapport and interview techniques to obtain and document a truthful statement from the interviewee. Steps are provided for officers to attain the necessary skill level to achieve success when conducting a variety of interviews.

5-1. Read *Miranda* warnings to the interviewee, when applicable.

- (1) Giving the *Miranda* warnings is required during custodial interrogations. Recall that a *custodial interrogation* includes the following:
 - The person is under arrest or is otherwise restrained. The test courts use to determine whether custody is present is whether a reasonable person in the suspect's position would believe (in his or her mind) that he or she is not free to leave.
 - The interviewer is asking questions or engaged in other activity designed to elicit an incriminating response.

Note: The interviewer may ask incriminating questions of any suspect who is not in custody without reading *Miranda*.

- (2) Read the *Miranda* rights card or form approved by your department. Although wording may vary, the warning must be essentially as follows:
 1. You have the right to remain silent.
 2. Anything you say can and will be used against you in court.
 3. You have the right to call or obtain an attorney at this time and have one present now or at any time during questioning.
 4. If you cannot afford a lawyer and you want one before or at any time during questioning, one will be provided for you.
 5. If you decide to answer questions now, you have the right to stop answering at any time during questioning.
- (3) Always READ the warnings from your department-issued card or form. Even if you have the warnings memorized "word perfect," by habitually reading them you protect yourself from being attacked on that front by a defense attorney.
- (4) If the interviewee asks questions regarding the *Miranda* warnings, the law requires the interviewer to provide a reasonable explanation. Ensure the suspect understands his or her rights, taking into account the suspect's age, national origin, education, circumstances of the advising of rights, mental condition, and whether or not the suspect is under the influence of an intoxicating substance.

If *Miranda* warnings are given, the suspect must indicate a knowing, voluntary, and intelligent waiver. You may ask the suspect to sign an acknowledgment and waiver of rights form. Make a note of any witnesses present.

If, at any time during the interrogation, the interviewee invokes the right to remain silent or requests to see a lawyer, stop the interview. A suspect who asks if he or she should get a lawyer is not necessarily invoking the right to counsel. However, you should be careful in responding to such questions. It is best to simply advise the suspect that the decision to talk to a lawyer is theirs alone.

5-2. Establish rapport with an interviewee.

The level of rapport you establish with an interviewee will depend on the classification of the interviewee (victim, witness, suspect, informant, complainant) and his or her characteristics (cooperative, reluctant, hostile).

- Introduce yourself and greet the interviewee.
Using your first name and not mentioning rank may provide an informal and nonthreatening relationship between you and the interviewee. State your rank and credentials only if it will benefit you in the interview. Be friendly with a cooperative interviewee; be reserved with a hostile interviewee.
- Use casual conversation to establish rapport. Dispel fear.
- Use simple words and sentences. Avoid talking about the offense at first.
- Rely on effective interpersonal skills throughout the interview process.
- Listen carefully and show the interviewee that you are paying attention and are interested in what he or she is saying.
- Maintain eye contact. Nod your head in agreement. Smile at appropriate moments. Be courteous and considerate.
- Put the interviewee at ease by showing concern. Offer water, coffee, or a restroom break.

Observe and interpret verbal statements and nonverbal cues. Look for obvious signs of deception and truthfulness. From your observations, you may want to reclassify the interviewee into one of the following categories:

- ◆ Honest and cooperative—one who possesses information useful to the investigation and should be interviewed first to help you gather facts
- ◆ Hostile and deceitful—one who deliberately lies and/or provides misleading information
- ◆ Reluctant or suspicious—one who must be coaxed by you to provide information
- ◆ Silent, know-nothing, uninterested—one who does not want to give you information
- ◆ Timid or bashful—one who probably lacks education and self-confidence, fearful of police, etc.

- ◆ Talkative or boastful—one who provides a lot of information that must be evaluated for substance and relevance to the case
- ◆ Under the influence of medication, alcohol, and/or drugs—one who is affected by a substance at the time of the interview and whose information and actions may or may not be trustworthy

Although you can generally classify interviewees into these described behavior types, you should be aware that a suspect may employ certain behaviors to disguise his or her guilt or in an attempt to withhold knowledge or complicity.

5-3. State the purpose of the interview.

Simple statements can convey the purpose of the interview. Ask questions like the following:

“Do you know why you’re here?”

“Help me get the facts straight.”

“It seems there’s been a misunderstanding and we need to clear up some things.”

5-4. Take notes during the interview as necessary.

Jot down notes early in the interview so that the interviewee gets comfortable immediately with the process. Assure the interviewee that it is necessary to document information to prevent the need to re-interview.

Do not become absorbed with taking notes. Conversation with the interviewee is more important than notes.

5-5. Ask questions to prompt the interviewee to relate his or her account of the incident.

Let the interviewee recount the incident first. Ask questions only as necessary for your understanding. The following are examples of open-ended questions designed to evoke a narrative response:

“Explain what happened.”

“Tell me, what happened next?”

“How did it happen?”

“How did you get involved in this situation?”

“Why did it happen?”

“Why do you think this happened?”

“Then what did you do?”

“Who were you with?”

“Where did you meet?”

“How long were you there?”

If the interviewee establishes an alibi, make sure you get enough information to validate the alibi. Review the interviewee's story to clarify and fill in the gaps. Ask questions like the following:

“What color was the car?”

“How tall was the man? Was he taller or shorter than me?”

“Who do you know that looks like this person?”

“Who is ‘them’?”

Use simple, easy-to-understand words and sentences. Use neutral words when referring to the offense. For example, use the words “take” or “use” rather than “steal” and “injured” or “hurt” instead of “kill.” Use the words “the thing that happened” when talking about a murder or rape. Refer to being involved as “getting yourself into this situation.”

Check the detailed list of questions you developed in the preparation for the interview, and ask questions that need answers. You may also ask newly formulated questions about information that comes to light in the interview.

5-5.A. Identify how to formulate a proper question for an interview.

Do not underestimate the importance of properly formulating your investigative questions. Planning and careful preparation of your questions may be the key to a successful interview.

Types of questions typically used in an interview include the following:

Direct:—“Did you take the money?”

Leading—“When you robbed the store, did you know they had a camera that took your picture?”

Forced alternatives:—“Did you hit her in the head before or after you raped her?”

Open-ended—“What happened?”

Close-ended—“Did you see the license plate number?”

Reflective—This type of question is a restatement of what the interviewee just said. Use it to confirm the answer, expand what the interviewee said, or test your theme or analogy. For example:

Interviewee: “I didn’t mean to do it!”

Interviewer: “Were you just having fun and things got out of hand?” or

“Are you sorry it happened?”

The order of questions is important in conducting an effective interview. Generally, questions designed to formulate a chronological order of events are recommended. You may also sequence questions to test the interviewee's version of the incident.

5-6. Reinforce the importance of honesty and openness for the interviewee.

Reinforcement of honesty may be part of your analogy or theme. For example: “People will respect you for telling the truth.”

5-7. Challenge the interviewee with any discrepancies about information given.

An interviewee may withhold or attempt to hide knowledge or outright falsify and fabricate information. Do not overreact to denials, confessions, and admissions. Control your reactions by appearing neutral in both your verbal and nonverbal communications.

If the interviewee’s answers differ with other information already obtained about the case, you may need to change the questioning technique. You may consider a more accusatory line of questioning.

When examining a problematic answer, remember to observe the interviewee’s body language and other nonverbal cues. Be patient, but persistent.

Document denials and known or suspected lies for use in further questioning of the interviewee and/or questioning other interviewees.

5-8. Suggest a possible, partial scenario to get the interviewee’s reaction.

At this point in the interview or interrogation, the interviewer may transition to various techniques as previously discussed to obtain additional information and cooperation from the interviewee. Use an analogy or theme to paint a picture of what you think happened so that the interviewee can relate to the circumstances of the incident.

Evaluate the interviewee’s verbal and nonverbal reactions to the scenario. Change your approach if the interviewee denies any part of the scenario as true or quits talking.

5-9. Focus on a partial admission or a confession.

An admission is the interviewee’s acknowledgment of certain incriminating facts, but is not sufficiently complete to constitute a confession. Admissions are valuable in establishing probable cause and reassessing the case for additional interviews.

A confession is a statement the interviewee makes admitting he or she committed a crime. This acknowledgment includes all elements of the crime and his or her involvement.

NOTE: The interviewer should keep in mind that initial confessions are often incomplete and require the interviewer to confirm the facts and evidence of the case obtained during the investigation.

Be aware of false confessions. Having the interviewee provide details of the crime known only to the person who actually committed the crime will minimize the potential of a false confession.

5-10. Obtain written or recorded statements as appropriate.

Prior to taking any statement, the interviewer should evaluate the method of documenting the statement. Statements may be written, audio recorded, or video recorded. Factors influencing the type of statement taken include classification of interviewee, location of the interview, and type of investigation. Consult your department policies for the preferred procedure.

The method chosen for taking a sworn statement may vary depending on the cost, equipment required, legal restraints, department policy, and level of credibility desired.

Written statements should be in the person's own words and not dictated by the interviewer.

When possible, the interviewer should refrain from writing the statement for the interviewee or allowing someone to write the statement for him or her. The interviewee should be instructed to provide as much detail regarding the incident as possible. Review the interviewee's statement before he or she signs it to ensure completeness and readability.

An audio recording has the advantage of replaying the interviewee's statement in his or her own voice with tone and inflections. Video recordings are the most accurate in reproducing the exact statement. Always check the recording before the interviewee leaves to make sure the recorder was working properly.

5-11. Close the interview.

Before closing the interview, ask the interviewee if he or she is involved in or has any knowledge of any other crimes. Analogies can be used to prompt the interviewee to talk, such as, "You were right to tell me what happened. Today, you took charge of your life. People will respect you for it. Is there anything else I should know about, just to clear the air?"

Thank the interviewee for cooperating and allow the interviewee to leave with dignity. If the interviewee had a particularly difficult time in the interview, you might restore him or her by saying something like, "You were right to talk to me; you'll be okay." This encouragement also leaves the door open for further interviews.

5-12. Complete the post-interview documentation.

Review the information obtained from the interview. Compare the results of this interview with the case file and other completed interviews. Evaluate your plan, make adjustments where necessary, and continue your investigation.

Lesson 6: Interviewing Juveniles

Learning Goal: The student will be introduced to the dynamics of interviewing a juvenile.

Introduction

Officers may come in contact with juveniles in a variety of circumstances. They may be victims of crimes, they may witness a crime, they may be suspected of committing a crime, or they may be reporting a crime. Whatever the situation, the interviewer should be mindful of different techniques for interviewing children of different ages.

Juvenile victims of crime often have issues with self-esteem and perspective on life. Be extremely cautious during an interview with a juvenile, making sure to build a rapport and assuring him or her of their safety. This will help you obtain vital information for the investigation and prepare the victim for a future courtroom experience.

A child's age generally indicates his or her developmental stage. Understanding the characteristics and maturity of juveniles of various ages will assist an interviewer in preparing for the interview and conducting the interview with appropriate questions.

6-1. Explain the procedure of qualifying a juvenile prior to an interview.

At the onset of the interview, it is recommended that the interviewer "qualify the juvenile." Qualifying is a process for establishing the credibility of information provided by a juvenile. The interviewer asks the juvenile a series of questions that reveals an understanding of moral responsibility (difference between the truth and a lie) and the child's level of intelligence.

Qualifying is most often used in juveniles between the ages of three and eight. Simple questions to determine if the child can recognize numbers, letters, and primary colors are preferred and can be essential depending on the circumstances of the case. The officer should document the qualification process. Once the juvenile has been qualified, the interviewer can proceed with case-specific questions.

6-2. Identify *Miranda* issues related to juveniles.

- (1) Juvenile offenders are afforded the same rights under the *Miranda* guidelines as other adult suspects. An interviewer must obtain an intelligent waiver from a juvenile suspect before questioning begins. A child's parent or legal guardian may invoke constitutional rights on behalf of the child. See *J.G. v. State*, 883 So.2d 915 (Fla. 1st DCA 2004).
- (2) Florida courts have ruled that a child be allowed to see his or her parent or guardian if requested by the child or the parent. However, it is not necessary for the officer to notify a juvenile's parents prior to conducting an interview. See *Francis v. State*, 28 FLW D2489, 5th DCA.
- (3) In *J.D.B. v. North Carolina*, 564 U.S. 261; 2011 U.S. LEXIS 4557; slip opinion no. 09-11121 (June 16, 2011), the United States Supreme Court held that officers must determine if a typical juvenile the age, education, background, and experience of the

subject would understand whether or not he or she was in custody when questioned. If the subject was arrested, the Court would look at whether a juvenile similarly situated would understand what arrest meant and what *Miranda* warnings were. If the answer to the questions just posed is ‘yes’ then the court would look to see if the juvenile subject would understand that waiving his or her *Miranda* rights meant. Be sure to document everything you tell the juvenile regarding whether he or she is under arrest. Be sure you document how you explain *Miranda* to a juvenile arrestee and let the arrestee know what waiving *Miranda* means. Also, be sure to document the layout of the interview area, the number and location of people in the area, and whether doors, portals, gates, or entry ways are open or closed during the interview.

6-3. Identify special considerations concerning juvenile victims.

In cases requiring the notification of the Department of Children and Families or the Child Protection Team (CPT), agency policy should be followed concerning the conduct of the interview. It is good practice to minimize the number of interviews and coordinate with these child protection agencies.

6-4. Describe the characteristics of a preschool child (ages 3 to 6) that may affect an interview.

Preschool children are capable of telling what happened, but not always why it happened. Their world is centered on their home and family members. Children of this age group have little concept of time, so you must prompt them about events in their daily life that indicate a pattern of abuse. For example, you can ask a question such as “Did the abuse occur before, during, or after your bath?”

Interview a preschooler as soon as possible. Take into consideration his or her last meal and/or nap because irritability may hamper your questioning. Establish rapport with the child by asking about his or her family and daily activities.

“How many brothers and sisters do you have?”

“What is your cat’s name?”

“What’s your favorite flavor of ice cream?”

Children under the age of six may not always be truthful. Depending on the circumstances, the child may perceive information regarding an incident and relate the information in an illogical or confusing manner. Even when a child gives a false statement, that does not necessarily indicate the child is “deliberately or with criminal intent” distorting the facts.

6-5. Describe the characteristics of a school-aged child (ages 6 to 11) that may affect an interview.

Children in this age group are capable of recalling time and sequence of events. Usually they have developed a sense of right and wrong by this age. Their attempt to understand good and bad may influence your investigation because guilty feelings may leave them reluctant or may motivate them to discuss the incident.

Children at this age sound more mature; they use adult terminology but often don't understand the underlying concepts. Listen for their descriptive words and adjust your terminology accordingly. Tactfully test their understanding of key words so there are no misunderstandings.

Children of this group are perceptive and often very direct in their communication. Because they are quick to detect insincerity, be genuine and empathetic in your approach. At this age, children have learned to be deliberately untruthful because they have learned to fear punishment for their actions. They sometimes exaggerate and tell stories without contemplating the consequences of not being completely truthful.

6-6. Describe the characteristics of an early adolescent child (ages 10 to 15) that may affect an interview.

Keep in mind that juveniles in this age group are not children and they are not adults. Early adolescence for girls is usually between ages 10 to 13 and 12 to 15 for boys. The early adolescent years are a time of great physical and emotional change. Discussion of sexual matters may cause embarrassment; therefore, use an empathetic approach. "I think I know how you feel. I have helped other teenagers like you. They say they don't know who to trust, who they can talk to."

6-7. Describe the characteristics of an adolescent child (ages 13 to 17) that may affect an interview.

As their bodies and minds continue to develop, adolescent children may be irritable, argumentative, and have easily hurt feelings. They need both structure and limited independence in their life. Adolescent victims may appear calm but secretly harbor tremendous guilt and/or confusion. Adolescents understand the possible results of reporting abuse or domestic violence is that they may be placed in a foster home, their family may dissolve, and the abuser may be punished.

Often, adolescent victims have been threatened. Don't underestimate the anxiety created by such a threat. Don't downplay their fears. Reassure them of their safety.

Juveniles around the age of 13 have learned to lie to cover their own negative behavior. They may lie in order to avoid punishment or to protect their peers who may also be involved in the same negative behavior. Although this age group may not always recognize their motivations or the consequences of being untruthful, they do recognize this behavior as being unacceptable or wrong.

6-8. List the steps for conducting an interview of a juvenile.

Follow the procedures of your department regarding audio and/or video taping an interview with a juvenile.

- (1) Gather as much information as possible from the person who reported the incident. The more you know, the more the child will perceive you as caring and understanding.

- (2) Select a safe and comfortable location for the interview, one free of interruptions. If interviewing a juvenile about possible abuse, do not conduct the interview at or near the location where the abuse occurred.
- (3) Consider carefully how many persons will be present during an interview. A child may request a person they trust to be with them. This is acceptable only if the person does not interfere with your questioning. It may be useful to have the trusted person present during the rapport development and then ask to speak to the child alone.
- (4) If the interview is related to an accusation of abuse by a parent or family member, the juvenile may fear other family members will find out about the incident and the abuser will be punished, or a threat will be carried out.
- (5) Use simple age-appropriate words and concepts the child will understand. For example, the child may not think in terms of time (day, month, year) but will remember events like a daily nap, a television show (Sesame Street), and holidays (birthdays, Christmas). Using events familiar to the child will help you gain reliable information.
- (6) Be mindful that children have a short attention span, and may only give you 5 to 15 minutes of cooperation. Don't press the child too hard. Coordinate time and questions for the most effective result.
- (7) Begin the interview by building rapport. Talk about things that interest the child. Listen for the child's descriptive words and use these words during the interview.
- (8) Start the fact-finding portion of the interview by asking the child to tell you what happened. Be sympathetic. Don't ask leading questions. Let the child tell the story in his or her own words. Your job is to listen and, if necessary, guide wandering statements. Be careful with phrasing questions so as not to intimidate or imply guilt.
- (9) If the investigation is related to allegations of abuse against the child, you should proceed with caution. Keep questions objective and your emotions in check. Make no judgments about the child, the offender, or any kind of activity described. Assure the child that he or she did nothing wrong.
- (10) Ask relevant questions to get the details of the incident.
- (11) Thank the child for helping you. Tell him or her you may need to talk again. If appropriate, give the child your phone number so he or she can reach you.
- (12) Follow up appropriately after the interview. For example, if the child told someone else about the incident, contact this person to corroborate the child's story. If the investigation involves abuse, make sure the child is examined by a physician and get a copy of the doctor's report.

Lesson 7: Interviewing Victims of Sexual Assault

Learning Goal: The student will be introduced to the dynamics of conducting an interview of a sexual assault victim.

Introduction

Interviewing is an important aspect of investigating a sex crimes case. Physical evidence is often circumstantial—especially if consent is the issue. Because of the nature of the crime, the victim and his or her account of the assault are subjected to meticulous scrutiny. The interviewer must have a heightened awareness of the dynamics involved in gaining facts, assessing the victim’s emotional state, and evaluating his or her credibility.

7-1. List the steps for conducting an interview with a victim of a sex crime.

- (1) Make a favorable first impression. The interviewee’s initial impression of you will determine if he or she feels comfortable talking to you. The interviewer should project professionalism, understanding, and genuine concern.
 - Use an adult victim’s last name (preceded by Mr., Miss, Mrs., or Ms.) in addressing him or her. This shows respect and helps restore self-esteem. Only use a first name if the victim requests it. Giving the victim this option indicates he or she has regained some sense of control in the situation.
 - Do not initiate any type of physical contact such as touching the shoulder or hugging.
 - Exhibit an empathetic attitude.
 - Assure the victim of his or her safety.
- (2) Choose the appropriate location for the interview, one that is private, comfortable, and free of interruptions. A sexual assault treatment center may be available in many jurisdictions to conduct this type of interview.
- (3) Explain the process of the interview and investigation. Tell the victim why the questions you will ask are necessary. Give the victim as much control as possible to still obtain the intended results. For example, ask if there is anything you can do to make him or her more comfortable, ask if he or she wants to notify someone, and ask if he or she prefers to tell about the incident in written or verbal narrative form or just answer your questions.
- (4) Advise the victim, in order to preserve potential evidence, to refrain from eating, drinking, or cleaning themselves prior to the physical examination. Keep in mind that valuable evidence can be recovered if the assault occurred recently or within the previous 72 hours.
- (5) Project a professional attitude at all times.
 - Be patient and do not judge the victims words, actions, or responses.
 - Do not suggest or imply the victim deserved the assault.

- Encourage the victim to talk, even if the topic is embarrassing to you. Do not show emotion such as anger, outrage, surprise, amusement, etc. and be careful not to send nonverbal cues to the victim.
 - Always begin with professional terminology such as fellatio, intercourse, ejaculate. You can always lower the vocabulary level to suit the interviewee.
- (6) Obtain details of the assault. Explain to the victim why you need to know everything that happened and encourage the victim to provide every detail he or she can remember about the incident, no matter how embarrassing or seemingly insignificant.
- (7) Thank the victim for cooperating with you. Leave a favorable last impression. Give the victim a phone number where you can be reached.

Lesson 8: Aiding Eyewitness Identification during Show-Ups and Photo Lineups

Learning Goal: The student will learn the major steps involved with aiding eyewitness identification when using show-ups and photo lineups.

Introduction

Eyewitness identification is a major step in identifying perpetrators of crime during an investigation. Your role as an officer is critical in helping eyewitnesses give the most accurate information possible.

8-1. Describe the process for helping an eyewitness when conducting a show-up.

Conducting a show-up or lineup is an important part of an officer's job; however, lineups and show-ups aren't always reliable methods when identifying suspects. The most reliable method is to identify suspects visually through video and/or photographic evidence captured at the scene.

Before conducting a show-up, interview the victim or eyewitness to obtain a description of the suspect. Determine whether the victim or eyewitness has personal knowledge of the crime (the victim or eyewitness saw the suspect clearly enough to identify the suspect's features). The eyewitness should be able to accurately discuss the matter, directly or through an interpreter, and clearly understands their duty to tell the truth. Also, the victim or eyewitness should demonstrate competence, attentiveness, a sound state of mind, and a lack of prejudice.

When conducting a show-up:

- Coordinate it as quickly as possible to limit the legal impact of the suspect's detention.
- Caution the victim or eyewitness that the person they will be looking at may or may not be the suspect. Avoid providing any verbal or nonverbal feedback to the victim or eyewitness during the identification process.
- Take the victim or eyewitness to the location of the suspect, not the suspect to the victim.
- Ask the victim or eyewitness if they recognize the suspect; do so in a way that avoids influencing the identification.
- Document all statements of identification and non-identification. Document any comment made by the victim or eyewitness during the entire process, word-for-word. Note any nonverbal communication or action that the victim or eyewitness makes. If a victim or eyewitness is unable to make the identification, document why they are unable to identify a suspect.

8-2. Describe the process for helping an eyewitness when conducting a photo lineup.

The Eyewitness Identification Reform Act (Florida Statute s. 92.70) provides requirements that all law enforcement officers must follow when conducting a lineup. A live lineup is a procedure that displays a group of people to an eyewitness so they can identify the perpetrator of a crime; whereas with a photo lineup instead of using actual people you use a photo array instead. A photo array used in a photo lineup can be more efficient than a live lineup because the agency can reprint existing photographs. A photo array should have a minimum of six photographs. Each photograph should be of people with physical characteristics similar to those of the suspect and formatted alike. Use a minimum of five filler photographs together with only one photograph of the suspect. Filler photographs are photographs of people, other than the suspect, that complete the array. Each photo in the array should be of a different person.

An independent administrator and a lineup administrator conduct the lineup by presenting a photo array to the victim or eyewitness simultaneously or sequentially. An independent administrator, sometimes called a “blind administrator,” is a person who is not participating in the investigation of the criminal offense and is unaware of which person in the lineup is the suspect. A lineup administrator is the person who conducts the lineup and is also unaware of which person in the lineup is the suspect.

Agencies must use an independent administrator, if available, to conduct a live or photo lineup. If an independent administrator isn’t available, your agency may use an alternative, carefully structured, method to achieve neutral administration and prevent the lineup administrator from knowing any information about the photographs. Alternative methods include:

- an automated computer program that can automatically administer the photo lineup directly, or
- a folder containing photographs, randomly numbered, and shuffled.

Regardless of what method you use, do not allow the lineup administrator to see or track which photograph the victim or eyewitness is viewing until after the procedure is completed. The photo lineup can occur simultaneously or sequentially. Simultaneous presentation occurs when the independent administrator presents a group of photographs to the victim or eyewitness all at once, at the same time. Sequential presentation occurs when an independent administrator presents individual photographs to the victim or eyewitness one at a time.

Simultaneous Presentation

Number all photographs and filler photographs used in the array before presenting the array to the victim or eyewitness. Instruct the victim or eyewitness to mark which photograph is the suspect, and sign and date the array. Obtain a sworn statement from the victim or eyewitness regarding the lineup results.

Sequential Presentation

Number all of the photographs before conducting a sequential presentation. Instruct the victim or eyewitness to mark all photography with either “identification” or “non-identification.” This

makes it clear which photographs the victim or eyewitness actually viewed and chose as the suspect. The independent administrator may repeat the entire array only once and in the same order as originally presented if the victim or eyewitness requests it. Present the entire sequence again, even if the victim or eyewitness only asks to see one or a few of the photographs. Obtain a sworn statement from the victim or eyewitness regarding the lineup results.

Regardless of the method used, carefully document or record, word-for-word, any comment that the victim or eyewitness makes during the entire lineup process. Note any nonverbal communication or action of the victim or eyewitness in the investigative file. If the victim or eyewitness makes an identification, document the precise photograph they select. If a victim or eyewitness is unable to identify a suspect, document why they are unable to. Preserve the entire photo array as evidence. Document the process and the forms used in the lineup in the investigative file.

Whether using the simultaneous or the sequential method, Florida statute mandates that the independent administrator will read standardized instructions to the victim or eyewitness to ensure consistent administration of the photo lineup. The victim or eyewitness must acknowledge receiving the instructions before reviewing the photo array. If they refuse to sign the acknowledgement, document the refusal, and sign the acknowledgement yourself.

Eyewitness Instructions:

- The perpetrator might or might not be in the lineup;
- The lineup administrator does not know the suspect's identity. *Note: This instruction doesn't need to be given when a specified and approved alternative method of neutral administration is used;*
- The eyewitness should not feel compelled to make an identification;
- It is as important to exclude innocent persons as it is to identify the perpetrator; and
- The investigation will continue with or without an identification.

Agency policies and procedures will specifically indicate whether sequential, simultaneous, or if both methods of conducting the photo array are authorized. Consult with your agency's legal advisor or, when unavailable, with the state attorney's office that is handling investigations for assistance in selecting the authorized method.

Lesson 9: Practical Exercises

Learning Goal: The student will gain practical experience in conducting interviews through role-play exercises.

Introduction

The concepts and skills learned in this course should be practiced through a number of role-playing exercises provided by the instructor. As officers put into practice the skills learned during the course of this instruction, they will continue to enhance their ability to conduct effective interviews.

9-1. Demonstrate the skills needed to prepare for an interview.

Use the attached Pre-Interview Preparation Worksheet as a personal or instructor evaluation tool.

9-2. Demonstrate the skills needed to conduct an effective interview.

Use the attached Interview Performance Checklist as a peer or instructor evaluation tool.

PRE-INTERVIEW PREPARATION WORKSHEET

Interviewee Name/Description: _____

List the questions for which you need answers:

List any background information obtained from reports and other sources:

List any other background information needed before the interview, if time permitted:

Classification:	<input type="checkbox"/> Victim	<input type="checkbox"/> Witness	<input type="checkbox"/> Suspect	<input type="checkbox"/> Informant	<input type="checkbox"/> Complainant
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Characteristics:	<input type="checkbox"/> Cooperative	<input type="checkbox"/> Reluctant	<input type="checkbox"/> Hostile	<input type="checkbox"/> Timid
Others:				

List what interview technique(s) you anticipate using. Include analogies that may be appropriate:

INTERVIEW PERFORMANCE CHECKLIST

Interviewer: _____

Interviewee: _____

Check Yes, No, or N/A for each behavior:

READ MIRANDA			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Introduced Miranda
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Read from the rights card
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Answered the suspect's questions about Miranda
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Obtained waiver of rights

ESTABLISH RAPPORT			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Greeted the interviewee in a positive manner
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Used casual conversation to establish rapport
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Used easy-to-understand words and sentences

INTERVIEW			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Let interviewee relate incident in his/her own words
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Utilized interpersonal skills
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Listened without interrupting
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Was responsive (interested in what the interviewee said; maintained eye contact)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Sat near interviewee with body facing interviewee (open/receptive posture)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Asked questions to clarify and expand interviewee's account
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Asked interviewee specific questions based on his/her account
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Asked questions to challenge discrepancies
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Handled denials and lies effectively
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Did not overreact
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Used details in the lies for further questioning
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Reinforced interviewee's honesty and openness
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Suggested a possible, partial scenario
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Used analogies to paint a picture of what happened
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Focused on partial admission
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Adjusted interview techniques to interviewee's reactions and information obtained
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Controlled nervous habits

OBTAIN APPROPRIATE STATEMENTS			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Introduced the need for a statement
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Confirmed the Miranda waiver
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Reviewed the interviewee's statement and guided the interviewee to make a complete statement

CLOSE INTERVIEW			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Asked about interviewee's knowledge or involvement in other crimes
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Thanked interviewee for his/her cooperation

COMMENTS – OBSERVATIONS – CONCLUSIONS			