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March/April 2020



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# Decrypting the Interrogation Process

BY **ANTHONY J. LUIZZO** AND **JOHN M. GASPAR**

## **DEFINITION OF INTERROGATION**

An interrogation is analogous to essentially peeling back an onion layer by layer on people's lives, places and/or things. Seasoned sleuths systematically probe and draw out information from willing and/or unwilling individuals by asking precise and trenchant questions to test the validity of information. An interrogation is quite different from an interview in that the interviewee is often directly or indirectly connected to the incident under review. Further information on interviewing can be found in a November/December 2019 article by the undersigned: "Demystifying the Investigative Process" – PI Magazine. Prior to performing an interrogation, investigative sleuths normally spend countless hours following leads and testing theories before walking into the interrogation room armed with a strong cross-examination strategy.

## **SPECIAL VIRTUES THAT ALL GOOD INTERROGATORS POSSESS**

Good interrogators are taught to always remain composed, never interrupt and/or disrupt the ebb and flow of the interrogation, listen twice as much as talk, never be afraid to leave the land of the familiar for the land of the unfamiliar, and always shine a bright light on inconsistencies. These and other attributes help to make a solid soldier in the war on criminality.

## **DIFFERENCE BETWEEN LAW ENFORCEMENT AND PRIVATE SECURITY INTERROGATION?**

Law enforcement interrogators must follow strict legislative requirements, including Mirandizing interviewees when setting out to perform an official interrogation, whereas private security interrogators have fewer legislative restraints placed upon them. According to the *Encyclopedia Britannica*: interrogation, in criminal law involves questioning by police to obtain evidence. Private investigators also have the power to interrogate

suspects but lack the power to compel testimony or detain witnesses and are not required to Mirandize suspects. Consequently, private investigators can be more creative in their efforts to legally extract truthful information from unwilling witnesses and suspects during interrogations.

Differences do exist, however, in the way an interrogation is conducted. Police normally have the benefit of extensive resources far beyond what their private counterparts have, such as access to criminal reports, subpoena process, crime labs, video footage, etc. Moreover, they can take their investigation to another jurisdiction(s), including state and federal task forces, and share information. Private security interrogations do not enjoy the enormous resources that their counterparts have at their disposal. The big difference between conducting a police interrogation versus a private security interrogation is that private security interrogators do NOT have to advise the persons of interest of their constitutional rights—an exception may be if the interrogation is being performed on behalf and/or promoted by the law enforcement.

## **WHAT ARE THE OBJECTIVES OF AN INTERROGATION?**

Plain and simple, the objective of an interrogation is to gather and test the validity of information. The investigator(s) working the case need to:

1. Learn the facts and develop the evidence
2. Extract truthful information from reluctant, evasive, lying or hostile witnesses
3. Decipher the plan or conspiracy
4. Identify possible suspects, accomplices or conspirators
5. Obtain corroborating testimony, supportive evidence and admissions of guilt or confession
6. Recover purloined fruits of the criminal enterprise
7. Establish guilt or innocence of the suspect(s) being interrogated

8. Obtain written, audio statements, admissions or confessions
9. Ascertain related evidence, such as hideouts, weapons, gang affiliations
10. Locate and catalog all case-related evidence

## THE ABCS OF SELECTING INTERROGATORS

Selecting the right person to perform an interrogation begins and ends with EDUCATION, PERSONALITY, AND TEMPERAMENT. Specifically, the person must be inquisitive, possess an excellent moral compass, embrace truthfulness, retain excellent interpersonal skills, and enjoy laboring in criminological career surroundings. All interrogators should have the ability to:

- Pay attention to detail
- Conduct independent research
- Examine physical evidence
- Decipher human motive responses
- Solve problems
- Listen intently

Further guidance can be found in an excellent criminal justice degree school guide: “How to become a criminal investigator” <https://www.criminal-justicedegreeschools.com/criminal-justice-careers/criminal-investigator/>

## PREPARING THE PRE INTERROGATION CHECKLIST

Before conducting an interrogation, it’s critical that interrogators prepare a needs assessment checklist to ensure that the interrogative exercise goes off without a hitch. One of the most important attributes that an interrogator needs to bring with him or her into the interrogation room is patience. Other considerations include:

- Framing an appropriate game plan
- Selecting the right interrogation site
- Arranging room furniture, lighting, water glasses, ashtray
- Allowing ample time for the interrogation
- Devising an appropriate questioning strategy
- Outfitting the room for audiovisual serviceability
- Ensuring that notetaking does not interrupt the ebb and flow of the interrogation

## ARRANGING THE INTERROGATION ROOM FOR OPTIMUM EFFECT

The physical layout of an interrogation room should be designed to maximize a suspect’s discomfort and their overall sense of powerlessness from the moment he or she steps into the room. The room should have video/audio capability and related signage announcing that the session will be recorded. The room should be a small soundproof chamber with limited seating and bare walls, and the interviewee should never be physically seated near light fixtures or thermostats. Additional information on interrogation logistics can be found in an excellent book *Criminal Interrogation and Confessions* by F. Inbau, et al: Abe Books – 1967.

## HOW IS AN INTERROGATION PERFORMED?

In general, an interrogation takes place in a formal interview room and is often tape-recorded. It’s important to note that a video recording is always preferred over a non-video session. For the most part, the seating should be comfortable, and the chairs positioned for a face-to-face confrontation. It’s important that the interrogator not stand over the interviewee so as not to make him or her feel intimidated. The interviewee should be offered a cold beverage and/or food and advised of where the restroom is located. Prior to beginning the interrogation, an interrogation schematic needs to be prepared. Interrogation schematics often include the who, what, when, and where of the incident under review. It is said that “doing one’s homework helps to ensure success of any and all

undertakings.” Further information on interrogation and process can be found in an excellent book by Rod Gehl and Darryl Plecas, “Introduction to Criminal Investigation: Process, Practices and Thinking” – Justice Institute of British Columbia Press: August 1, 2017.

## UTILIZING INTERPRETERS

It’s always a good idea to have a certified non-partial bilingual interrogator available to perform the interrogation. If an interpreter is required, however, it’s important to make sure that all communication is between the interrogator and the interpreter, and not between the interviewee and the interpreter.

## WHAT IS SOCIAL MEDIA HARVESTING?

Social media harvesting is a way to collect data unobtrusively and automatically from social media platforms, such as Facebook and the like, by employing simple programming tools to extract relevant messages from these platforms for various research purposes. Data harvesting, as its agricultural name suggests, is like gathering crops because it involves collection and storage with the expectation of future reward. Data can be harvested in different ways, ranging from simple copy-and-pasting to more complicated programming strategies. Media mining is the process of obtaining data from social media sites and the internet. There are many social media research companies available to investigators. The prices of these services range from \$5 to \$500.00.

## WHAT IS A FORENSIC INTERROGATION?

A great many private investigative firms are called by major corporations to perform financial investigations. Company X believes they have a financial loss problem. Oftentimes, these specialized investigations require specialized audit-related investigative expertise that not all private investigation firms offer. Over the past forty years, however, private investigators and accounting professionals began working and training together to perform these specialized forensic investigative assignments. Looking back at the evolution of forensic auditing and investigations, it was not until the savings and loan crisis of the 1980s and 1990s hit businesses smack in the pocket that forensic audit investigation made its official debut. In response to the hue and cry from business to do something, professional organizations specializing in fraud examination began making their debut. One such organization, the Association of Certified Fraud Examiners, began cross-training security and accounting professionals to find fraud forensically. Further information on how investigators and accountants often work together on a financial investigation can be found in an article co-authored by the undersigned, “Team Partners in Fraud Detection” (October 1992) The CPA Journal. The article crystalizes how these new team fraud fighters go about conducting a forensic audit investigation.

It’s important to note that, as of today, forensic accounting professionals number in the tens of thousands.

## WHAT ROLE DO BACKGROUND CHECKS PLAY IN AN INTERROGATION?

As a matter of course, once the interrogation is completed, it’s time to commence verifying the information gleaned from the interrogation. Beyond reaching out to verify persons, places and locations, etc., the tool often used to assist interrogators in ascertaining information accuracy about individuals is the background check. According to an excellent article featured in Good Hire -- <https://www.goodhire.com/blog/complete-guide-to-background-checks> “The Complete Guide to Background Checks,” a background check, simply put, is a process a person or company uses to verify that a person is who they claim to be. The purpose of a background check is to furnish helpful information about a person’s history. Additional information on performing due diligence and back-

ground checks can be found in an article written by the undersigned, "Background Checks: A Diagnostic Tool to Decipher Deception": (2014) Journal of Healthcare Protection Management – Vol. 30., No.2, pp 57-65.

## CONCLUSION

Conducting an interrogation is a five-phase undertaking.

1. Phase one - selecting the right interrogator
2. Phase two - selecting the right interrogation facility
3. Phase three - selecting the right interrogative game plan
4. Phase four – selecting the right question/notetaking strategy
5. Phase five – selecting the right interpreter arrangement

The information herein is intended to offer a roadmap for security administrators to follow when formulating interrogation policy. Seasoned security administrators instinctually know that programmatic success is never permanent and only rented, and should always be on the lookout for skilled artisans to shepherd their institution's interrogative exploits! **PI**

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