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The Process of Investigation Part One: Types of Interrogations

In past issues, we have covered how to decide when to conduct an interview and how to prepare for confronting the dishonest employee. In this month's column, we will begin a multi-part series on the process of interrogation starting with a review of the different types of interrogations.

Confronting the target of the investigation is one of the final steps the investigator takes in concluding the inquiry. Often the ultimate outcome of the case may hinge on whether the subject confesses. The confession of a subject is responsible for more successful case resolutions than all the other forensic techniques combined.

An investigation relies on the collection of evidence, both direct and circumstantial, along with the interview and interrogation of individuals involved in the case. These individuals may be victims, witnesses, or suspects in the incident under investigation. Interviews with these individuals answer the investigative questions: who, what, where, when, how, and why. The interrogation of an individual is done when he is the target of an investigation or is withholding information crucial to the successful conclusion of the investigation.

Confronting the reluctant witness or suspect has a process that can be applied to increase the likelihood of engaging the individual's cooperation. Unlike the "third-degree" tactics deplored by the United States Supreme Court, today's methods do not rely on the use or threat of physical force.

The confrontation of a suspect is a complicated process made more difficult by a multitude of factors. The types of individual, age, education, job, experience with the criminal justice system, or their awareness of the investigation are just a few of the variables the interrogator must deal with when preparing to confront a suspect. Selection of an appropriate strategy,



time, and location for the confrontation requires the investigator to pre-plan for the case close.

There are a number of models of interrogation that are used to facilitate a confession.

Suspect Decision Making

This model of the interrogation relies on the premise that the suspect

becomes involved in a complicated decision-making process (Hilgendorf and Irving, 1981). The suspect's decision to confess revolves around several paths or courses of action from which the subject must choose. The subject must also weigh the probabilities of likely consequences attached to each of these possible courses of action. The final decision is dependent on the evaluation of the gains or liabilities associated with each possible course of action.

Other factors, such as the individual's self image, may play a strong role in the subject's decision to confess. The strong society prohibition against lawbreakers will play a role with all individuals except the sociopath personality.

In this model of the interrogation, the interrogator manipulates the concept of social approval and self-image to influence the decision making of the suspect. The interrogator can also influence them by focusing on the liabilities of certain choices they may have to make. Third, the interrogator can increase the stress related to social and psychological costs they may face by not confessing.

Cognitive-Behavioral Model of Confession

In this model of interrogation, the confession results from the unique relationship between the subject, environment, and others involved in the process, including other suspects, victims, witnesses, and interrogators (Gudjonsson, 1989b).

continued on page 61

Gudjonsson argues that this model of interrogation elicits a confession as a result of cause and effect. What occurred prior to the interrogation may encourage a suspect to confess. He describes a number of factors that may be relevant to the decision to confess, such as social isolation, fatigue, stress, or feelings of guilt.

As in the previous model, consequences play a role in the subject's decision to confess. There are two types of consequences that the subject must consider: immediate and long term. There are also four basic areas in the cognitive behavioral model that the subject and interrogator use in determining whether to confess:

Social—The individual subject's fear of isolation from friends and co-workers may or may not increase an individual's resistance to a confession. A benefit is provided by the interrogator, which is positive reinforcement and praise for taking the interrogator's preferred path.

Emotional—The experience of being confronted and/or arrested is certain to increase an individual's anxiety level. The fear of the unknown, combined with guilt and shame of the violation, creates a great emotional relief when the suspect elects to confess. When the subject is presented with a clear idea of what the future may hold, he may experience a great emotional relief and abandon the shame and fear of the unknown that accompanies an illegal act.

Cognitive—This area is the subject's thoughts and perceptions. Here the suspect interprets facts and makes assumptions about what is or is not known. They may convince themselves that their guilt is known absolutely, even when this may not be the case.

Situational—This area relates to the timing of the confrontation and the circumstances surrounding it, such as: Where is the interrogation conducted? Is the subject allowed to wait? Does the interrogation begin immediately? Who conducts the interview and when is it done?

Psychoanalytic Model of Confession

Probably the least valuable model to consider is the psychoanalytic model (Reik 1959). It postulates that the feelings of guilt are the foundation of the decision to confess. Guilt after the event triggers the individual's need to punish himself and results in a confession.

This model certainly does not account for the confession of the career criminal who has little, if any, guilt for his actions. However, the subject with strong ties to family and community, with little or no previous experience with the criminal system, may react in certain situations with a need to be punished for their actions. In general, this model is only marginally accurate in addressing a small percentage of those who have a need to confess.

Emotional Model of Confession

This model postulates that the subject's failure to tell the truth is the result of their attempt to avoid the consequences of their actions (Jayne 1986). The consequences might be real, such as the loss of freedom, or perceived, as in the loss of self-image. The suspects, in this model, shifts blame for their actions to some source other than themselves.

In this model, the interrogator uses the natural inclination of the subject to shift blame. Face-saving statements allow the subject to justify their actions without alleviating them of the legal responsibility for their criminal acts. The suspect internalizes the suggestions and shows his acceptance of them through behavioral changes. The interrogator in this instance is not viewed as being an opponent, but rather a mediator between the suspect and the company or criminal justice system.

The process of rationalization is driven by the acceptance of the suspect. The interrogator judges the acceptance of a rationalization by the frequency and intensity of the suspect's denials and changes in the physical behavior of the suspect. The suspect's behavior is used to determine his resistance to giving an admission. When the time is right, the

interrogator offers an alternative question based on the rationalization to obtain the admission. The alternative contrasts the acceptable versus the non-acceptable choice and the suspect is encouraged to select the face-saving choice, thus making his first admission of guilt.

In general, this model encourages the individual to make an emotional decision to confess, rather than a rational one. As a result, the suspect may begin to react emotionally: crying and sniffing, as he relates his criminal act to the interrogator.

Interaction Process Model of Confession

This model uses the characteristics of the suspect to determine the approach and style used by the interrogator (Moston, Stephenson, and Williamson, 1992; Zulawski and Wicklander, 1993). The approach considers the suspect's background, preferences, likely responses to the confrontation, the case facts, and case development in making the decision on what methods may be useful in facilitating a confession.

The Wicklander-Zulawski approach is strongly dependent on the evaluation of the subject and his likely reaction to the confrontation. The interrogator then selects the approach that is likely to be successful with the subject. Hopefully, the approach chosen encourages the subject to make a rational decision to confess, rather than an emotional one.

In the May/June issue, we will look at how the decision to confess is made by different types of suspects. ■

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