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Creating a Persuasive Argument

Part Two of “What’s in It for Me?”

In this segment we will examine how subject commitment effects the accusatory interview in both positive and negative ways.

As we discussed in the January/February column, once the human mind has committed to a position, it is remarkably resistant to another’s persuasive argument. When an individual reaches a conclusion about something, he trusts the decision completely because it was his own. The subconscious mind is then free to ignore arguments to the contrary and, when necessary, to revert to a previous decision to decide what to do. Thus, when a similar problem occurs, with little resistance the mind returns to what was decided before. Especially at times of stress, the individual can return to his previous decisions and react quickly since he has already weighed the pros and cons of the matter.

Interestingly, the United Kingdom’s research on accusatory interviewing would seem to support the idea of resistance to persuasion. In 1984 the United Kingdom ruled out the inappropriate use of psychological tactics and forbid the use of lies during an accusatory interview. The UK also mandated that all interviews with suspects in the public sector be audio recorded. During a review of 600 of these recorded interviews, it was found that most were very short agreeable discussions with about a third of the suspects making admissions outright. What was interesting was that of the 600 interviews, only twenty made an admission after beginning with a denial of involvement, with less than half of those twenty attributable to the persuasive argument presented by the interviewer (Baldwin, 1993).

From this study Baldwin concluded that the vast majority of the subjects stayed with their original position so that any attempt by the interviewer to persuade is likely to fail. In what seems a grand leap of faith, he also urged that interview training move away from persuasive tactics since they were clearly ineffective.

In another study (Mosten et al., 1992), researchers found that when direct accusations were made followed by a request for an explanation, there was significant resistance by the subjects to making an admission. However, while persuasion was ineffective, what did seem to sway people was presenting strong evidence of their guilt. This was supported by additional research findings (Evans, 1993) that when evidence was weak,

those subjects who started their interviews with denial were generally not persuaded to confess even with the presentation of the weak available evidence. Regardless of the researchers questionable conclusions regarding persuasion, they have identified one of the significant issues that will strongly effect whether a confession will be obtained—that being the subject’s commitment to a position.

We have for years taught that there were three primary reasons a person confesses,

- His belief there was evidence of his guilt,
- A desire to put a positive spin on the situation, and
- A need to relieve guilt.

However, we disagree that persuasion is not useful, especially when the subject has not denied his involvement.

Once a commitment to innocence is made, obtaining a confession becomes much more difficult.

Remember from our last column, when a public commitment to a position is obtained from an individual, he will likely return to that position and defend it. Like the findings above, the persuasive arguments become less effective when people have made up their minds.

For example, in our most recent presidential election, George W. Bush versus John Kerry, the candidates spent over \$600 million to sway voters. What the National Annenberg Election Survey found was only 16 percent of voters for Bush and 15 percent for Kerry said there was “ever a time” that they considered changing sides. So \$600 million was spent between the candidates to get people to “ever a time” consider changing their vote. This is to say nothing of the voter actually changing political positions. It seems that the time to persuade is before the individual has committed to a position.

Investigative Strategy

One of the problems during case development is inadvertently forcing an individual to take a position that he

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must defend later. For example, when interviewing to develop case facts, an individual might elect to lie because he believes that there is insufficient evidence to link him to the crime or that his deception is unlikely to be discovered. Even the use of a behavioral interview may cause a guilty subject to deny and commit to a position of innocence. His commitment to lie made, the subject must continue to protest his innocence or be known as both the perpetrator and a liar. Unfortunately, case development sometimes places a subject in this position because his status as a suspect is not yet known.

If the United Kingdom research and our own findings are to be believed, this can be overcome with strong evidence or by instilling in the individual a belief that evidence of his guilt exists. This along with a persuasive argument can sometimes move a subject from a false commitment of innocence to a confession.

Direct Accusation

From what we have discussed so far, the evident problem of using a direct accusation to begin an accusatory interview is it backs the subject into a corner committing him to a lie. From that commitment forward, the subject must use additional denials to defend himself. While the direct accusation uses an inference of evidence, such as “Our investigation clearly indicates that...,” it leaves the subject little choice but to deny. Sometimes the denial is simply a result of the accusations directness and, in the subject’s surprise, he reverts to the commitment of innocence he has made before. Regardless of the reason for the denial, the individual has committed to a position and will now be more difficult to persuade.

While we are suspect of the researchers’ conclusions on the utility of persuasion, we agree that once a commitment to innocence is made, obtaining a confession becomes much more difficult. The more often an individual declares his innocence, the less likely a confession will be obtained, sometimes even when there is strong evidence of guilt. In our work with the public sector, it is often difficult to get a confession from the guilty because of the investigative strategy that occurred before we became involved in the case. However, when a non-confrontational collaborative approach is used, sometimes even a subject who has committed to a position can be persuaded.

Introductory Statement

The introductory statement is a monologue delivered by the interviewer that conveys indirectly to the subject that his guilt is known and there is evidence of his involvement. Using the introductory statement affords the interviewer an opportunity to introduce the topic of criminal activity and discuss how evidence might be obtained without encouraging a subject to commit a denial.

This provides three powerful tools:

- A belief by the subject that his guilt is known,

- The subject is not encouraged to deny, and
- He determines these conclusions on his own.

Once convinced that there is evidence of his guilt, we have achieved one of the moving forces to obtain a confession. Plus, best of all, it is a decision the individual trusts because it is his own.

Changing Perspective

It might seem based on the discussion thus far that the interviewer would be wise to start out obtaining a commitment from the subject that he will be honest during the conversation. Many interviewers start the interview by obtaining this type of commitment from the subject. Unfortunately, a commitment at this point is actually counterproductive.

In general, asking for a commitment to be honest very early in the interview actually increases the subject’s resistance even though he agrees to be honest. Obtaining this commitment to be honest without strong rapport and with a subject who believes he has been caught merely puts the individual on guard, which effectively counters any benefit of the commitment.

However, there is a place during the interrogation where this commitment to being honest is effective. Once the subject has come to the conclusion that his guilt is known, it is time for the interviewer to obtain the commitment that honesty is desirable. This is only effective when there is rapport, the individual believes his guilt is known, and the interviewer has rationalized the incident.

Through role reversal the interviewer changes the suspect’s perspective putting him in an imaginary position of power where he must judge two people, one of whom cooperates and one who does not. The subject most often replies that he feels better about the one who cooperated, thus committing to a preferred course of action. Later, when it comes time for the individual to decide whether to confess, he will return to this previous decision that cooperation is desirable, making his decision easier.

Written Statement

There is often discussion about whether it is better for the subject or the interviewer to write a statement. While there are good reasons an interviewer might choose to write a statement for the subject, the experience of sales people can prove insightful. When states enacted a cooling-off period during which a customer could retract his decision to buy, sales people noted a significant increase in people who canceled their contract. However, when they had the individual fill out the contract, it publicly committed the person to the sale. In the same way, having the subject write the statement commits him to the admission, resulting in a decreased likelihood of recantation.

In the next part of this series, we will continue to address the ways that a persuasive argument can be enhanced and delivered by the interviewer. ■