

# The History of Interrogation According to W-Z: The Present

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In the last issue we discussed the past history of interrogation beginning with the story of Adam and Eve in the Garden of Eden to the Salem witch trials of the 1690s. This column will move forward and review the more recent past, beginning in the late 1800s to the present practices of loss prevention and the police.

## The Third Degree

The third degree, trickery, and deceit mentioned by the U.S. Supreme Court in the *Brown v. Mississippi* decision has its origins in New York City. Inspector Thomas Brynes headed up the New York City detective bureau from 1880 to 1895, when he was forced to resign. Ever the political savvy officer, Brynes was a pro at self-promotion, choreographing arrests to bolster his image with the public. He was critical of Scotland Yard's ineffectiveness at solving the Jack-the-Ripper murders in London claiming he would have solved the case long ago.

Brynes coined the phrase "the third degree" to describe his technique of eliciting confessions from criminal suspects. The first degree was the policeman who apprehended the suspect, the second degree was the investigating detective, and the third degree was Brynes and his tactics. He would use any means to obtain a confession from someone he believed was guilty, including trickery, deceit, or physical beatings. Besides beatings, Brynes would also use phony witnesses and staged encounters between suspects to convince them their guilt was known.

In 1931 the Wickersham Commission, examining law enforcement practices and prohibition, found the use of the third degree as practiced by Brynes was widespread across the United States. August Vollmer, the primary author of the commission's report who later became chief of the Berkeley (CA) Police Department is considered by many to be the father of modern law enforcement methods, originating many of the concepts of police work used today.

## World War II

Interestingly, after the widespread use of the third degree, Germany and the United States during World War II developed

similar interrogation strategies to obtain information from prisoners of war. Hanns Scharff, master interrogator at Dulag Luft, was responsible for interrogating airmen captured during bombing raids over Europe. It was said that he never failed to obtain information from the downed airmen. His interrogation strategy employed a sophisticated intelligence-gathering system cataloguing the minutia of everyday life on the Allied bomber bases. Using this information he would convince airmen the information was already known, thus opening conversations that would confirm and add new information to the database.

**It was the early polygraph examiners needs that combined behavioral observations, behavioral interview, and the emotional appeal to the suspect into what we use in today's interrogations.**

In one anecdote Hans was walking with an airman in the woods holding an innocent conversation when he made mention of the change of color of the tracer rounds flash on the fighter aircraft. The airmen innocently told him this was to let the pilot know he was almost out of ammunition. During a later dogfight with a German ace, there was a change in the American's tracer color and the German pilot disengaged from the dogfight in order to let the American live.

Similar to Hanns Scharff was Major Sherwood F. Moran, USMC. Major Sherwood was assigned to interrogate captured Japanese in the Pacific theater of World War II. The Major had extensive experience with the Japanese culture having lived there

continued on page 16

# WHAT DO THEY ALL HAVE IN COMMON?

September 15 - December 3, 2010

JOE BLEYER, CFI WAS PROMOTED TO ASSOCIATE AP DIRECTOR AT POLO. • EDWARD BORQUEZ, CFI HAS RECENTLY RETIRED. • JOHN BROCAR, CFI WAS APPOINTED TO VICE PRESIDENT, FRAUD RISK SOLUTIONS AT APEX ANALYTIX. • AUGUSTO CASTANO, CFI WAS PROMOTED TO DIRECTOR LP SOUTH AMERICA AND SOUTHWEST FOR ZELLMAN GROUP. • MARCELLA COPPOLA, CFI WAS NAMED DIRECTOR OF LP FOR BATH & BODY WORKS & LIMITED BRANDS DIVISION. • JOHNNY CUSTER, CFI WAS APPOINTED MANAGER OF LP OPERATIONS FOR MERCHANT ANALYTIC SOLUTIONS. • JOHNNY CUSTER, CFI MANAGER OF LOSS PREVENTION OPERATIONS MERCHANT ANALYTIC SOLUTIONS HAS BEEN APPOINTED TO LPF MEMBERSHIP COMMITTEE CHAIRMAN. • ARMANDA DA SILVA, CFI WAS APPOINTED REGIONAL LP MANAGER WITH GUESS? • TRACEY FRENCH, CFI WAS NAMED LOSS PREVENTION MANAGER WITH THE BODY SHOP. • BRYAN GITTINGS, CFI WAS PROMOTED TO CORPORATE DIRECTOR, LP SERVICES AT SEARS. • RANDY HALL, CFI WAS NAMED REGIONAL MANAGER AT CVS. • LAWRENCE HARTMAN, CFI WAS APPOINTED REGIONAL LP MANAGER AT BURLINGTON COAT FACTORY. • MARTIN HENGST, CFI WAS PROMOTED TO REGIONAL LP DIRECTOR FOR ARMANI EXCHANGE. • GREG HORD, CFI WAS NAMED DIRECTOR OF LOSS PREVENTION OF NEW BREED LOGISTICS. • JUAN MADRID, CFI WAS APPOINTED REGIONAL MANAGER WITH CVS CAREMARK. • SERGIO MARTINEZ, CFI WAS APPOINTED REGIONAL LP MANAGER WITH DOLLAR GENERAL. • DON MESSNER, CFI WAS APPOINTED TO CHIEF OF SECURITY – HARRAH'S CASINO, CHICAGO. • RYAN MORGAN, CFI WAS PROMOTED TO REGIONAL LP MANAGER AT VICTORIA'S SECRET. • KELLY MOYE, CFI IS THE NEW REGIONAL INVESTIGATIONS MANAGER WITH DOLLAR GENERAL IN DALLAS. • TERRY MURPHY, CFI WAS PROMOTED TO SENIOR MANAGER, LP SERVICES FOR T-MOBILE USA. • ADRIAN NOWALK, CFI WAS NAMED REGIONAL LP MANAGER FOR RADIOSHACK. • DAN PATASNIK, CFI WAS NAMED DIRECTOR OF LOSS PREVENTION FOR SWATCH GROUP USA. • JASON PLOOF, CFI WAS PROMOTED TO REGIONAL LP DIRECTOR AT ARMANI EXCHANGE. • LEROY QUARLES, CFI WAS PROMOTED TO DIRECTOR, CENTRAL LP FOR HELZBERG DIAMONDS. • SYED RAZA, CFI WAS NAMED REGIONAL LP DIRECTOR FOR KMART. • MARK REAVES, CFI WAS NAMED REGIONAL LP MANAGER FOR RENT-A-CENTER. • SAM REICHMAN, CFI WAS PROMOTED TO NORTH EAST INVESTIGATIONS MANAGER AT RADIO SHACK. • JAMES RUSSELL, CFI WAS NAMED DISTRICT LP MANAGER AT BIG LOTS. • BYRON SMITH, CFI WAS PROMOTED TO VP ENTERPRISE RISK MANAGEMENT AND CHIEF AUDIT EXECUTIVE FOR CONN'S. • TOM STEIN, CFI WAS PROMOTED TO DISTRICT L.P. MANAGER FOR AJ WRIGHT. • ERIC STROM, CFI WAS APPOINTED REGIONAL MANAGER OF LP FOR MATTRESS FIRM. • JAY TUBAUGH, CFI WAS APPOINTED REGIONAL AP MANAGER FOR TOYS "R" US. • CHRIS YADANZA, CFI WAS NAMED LP MANAGER FOR SALLY BEAUTY COMPANY. • JOE BLEYER, CFI WAS PROMOTED TO AS

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for years along with a native's speaker's ability with the language. Major Sherwood began each interrogation telling the soldier he was now safe. The conversation then turned to the common Japanese experience that they both shared before he began delving into the intelligence gathering process.

Both the United States and Germany had extensive intelligence operations to support their troops. The U.S. had sophisticated camps on both coasts dedicated to the interrogation of POWs from both theaters of the war. These operations were unlike the Japanese, Korean, Chinese, or Vietnamese prison camps where Americans were tortured or brainwashed. It is interesting that the U.S. chose enhanced interrogation methods with terrorists after the success they achieved using non-confrontational interrogation during World War II on both sides of the conflict.

## Polygraph

The beginning of an emotional approach to interrogation can be traced to the polygraph. Polygraph examiners found themselves having to interrogate suspects without using evidence. In most situations a suspect was taking a polygraph because he was suspected and had not confessed based on the information available to investigators. The examiner could use the polygraph as a prop during interrogation and then repeat the evidence available, but this was a generally ineffective means of interrogation.

Early polygraph examiners were in a decidedly difficult position since the technique had not been validated and testing sequences were in the early stages of development. As the polygraph examiners conducted more tests they observed physical and verbal responses from the subjects prior to the test that helped them reach a correct conclusion. The polygraph pretest gave the examiner a check and balance against later polygraph charts to assist in a correct truth or deception conclusion. If the examiner observed a deceptive pretest from the subject, he would expect to see deceptive charts during the testing sequence, or vice versa—truthful pretest, truthful charts.

This was an effective means of identifying the subject's true status independent of the polygraph. In the mid-1970s Douglas Wicklander began working on using the pretest independent of the polygraph to investigate cases. The behavioral interview became a standard investigative tool to resolve general loss and specific issue cases in situations where the polygraph was too expensive or time-consuming to use. In fact, the behavioral interview took the place of the polygraph after Congress passed the Employee Polygraph Protection Act, which limited an employer's ability to use the examination.

## Emotional Interrogation

Polygraph examinations also provided the seminal point for development of the emotional interrogation of a suspect. The early polygraph examiners had several significant needs during the interrogation of a guilty suspect. First, the examiners needed an additional check and balance to assure the accuracy of their conclusion. They already had the polygraph pretest, which would confirm the accuracy of their decision, but they needed something in addition when they were dealing with deceptive

charts. What they used was a direct accusation at the beginning of the interrogation to elicit behavioral clues from the suspect that were typical of innocence or guilt. A statement such as, "Our investigation clearly indicates you're responsible for [insert crime]." The subject's reaction to this statement helped the examiner confirm a deceptive conclusion. Generally, the deceptive subject reacted to this statement with less aggressiveness than a truthful person, thus adding another confirmation to the examiner's conclusion.

The examiner now had to interrogate the deceptive subject, but it was unlikely that simply using the evidence or information developed during the investigation would be sufficient to obtain a confession. Generally, that information had been used by the investigator already, and its use had been unproductive. The answer to this problem came from sales. The salesman provides his potential customer with benefits of the product to satisfy the customer's needs. In the post-polygraph interrogation the subject's needs tend to revolve around his self-image.

The polygraph examiner could now talk about why the individual participated in the incident, rather than discuss how the crime was committed. In a factual discussion of how the crime was committed, even a small error by the investigator in restating the method of the crime could be disastrous. The polygraph examiners were able to avoid this by simply discussing the reasons why the individual became involved in the incident. This provided the benefit of a face-saving device for the subject, and an opportunity for the examiner to interrogate at length without discussing the evidence.

## Sales Techniques

Sales also provided the early examiners with additional helpful components. The way a salesman would handle a customer's objection, such as "I don't need more life insurance," was to agree, yet turn the objection around into another reason why the customer should buy. The examiner, would likely hear, "I wouldn't do something like that. I have money in the bank." In the same way that the salesman handled the objection, the examiner handled the explanatory denial by agreeing and then changing the rationalization impulsiveness to support the individual's self-image.

Another component coming from sales was recognizing the buy signs the customer was ready to make a purchase. The examiners noted the individual making a decision to confess would drop their heads, become quiet, and perhaps even tear up. Recognizing the person was ready to confess, the examiner needed to ask for the admission. Salesman quickly learned if they asked a customer if he wanted to buy their product they were often rejected. Instead, the salesman asked for the sale assumptively. "Do you want 10 boxes or 15?" "Do you want to take delivery today or first thing tomorrow?" The examiners offered a choice question based on the rationalization they were using. "Did you plan it out or do it on the spur of the moment?" "Was it your idea or someone else's?" Selection of either of the choices was the individual's first admission to the crime.

It was the early polygraph examiners' technique that combined behavioral observations, behavioral interview, and the emotional appeal to the suspect into what we use in today's interrogations. In our next column we will discuss the future of the interrogative process. ■