

by Douglas E. Wicklander and David E. Zulawski



The Process of Interrogation

Part Four: The Four Parts of Interrogations

No matter how the interrogator chooses to interrogate a suspect, there will be four distinct parts to the confrontation.

Reducing Resistance. The interrogator chooses some method to reduce the suspect's resistance to a confession. Depending on the style chosen, this could be done with a systematic presentation of evidence, use of an emotional appeal, or interrogator persistence.

Obtaining the Admission. The second part of every interrogation is the first admission of the suspect. This is the first acknowledgment by the suspect that he or she is involved in the act under investigation. This is not a confession, but merely the first admission that confirms the interrogator's assertion that the suspect was involved.

Development of the Admission. This section of the interrogation expands the suspect's admission into a legally acceptable confession that answers the questions: who, what, where, when, how, and why. This also allows the interrogator to explore other areas of criminal activity in which the suspect may be involved.

Professional Close. The interrogator reduces the suspect's oral admission to a permanent form, either written or taped, and has it witnessed.

Constructing an Interrogation

To this point, we have considered the types of possible interrogations, causes of denials, fears of the suspect, and the common parts to an interrogation. Now we will focus on the construction of an

interrogation to encourage the suspect to make a rational decision to confess, in many cases without making a denial.

The interrogator considers the case development and goal of the interrogation. The elements of the crime



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or violation are defined and the evidence indicating the violation is clearly understood. The interrogator should understand the strengths and weaknesses of the inquiry and begin to consider whether direct evidence should be used early or late in the

confrontation, or if it should be revealed at all. It is at this point that the interrogator may consider what type of enticement questions, or bluffs, that might prove useful and when they should be used.

The next consideration is special personnel or legal requirements that may be necessary to close the investigation. Is the interrogator acting as an agent of the police or working independently for an organization? Is there a union? There may be legal issues that need to be addressed based on the answer to these and other questions and the geographical location of the interview. Different countries and even states within the United States have unique legal aspects the interrogator should consider before beginning the confrontation. The ultimate goal to prosecute, or simply terminate, may dictate some of the case closure methods. There are obviously many other factors that should be considered during the preparation phase in addition to those mentioned here.

Approaching the Suspect

The interrogator now begins to look closely at the suspect involved in the incident. Is the suspect aware of the investigation, or has the inquiry been concealed from him? This certainly may affect the individual's resistance to a confession and the methods chosen to confront the suspect.

For example, a store was burglarized sometime after closing. The suspect vehicle left tire tracks near the loading

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dock that showed the tires were mismatched. The investigators determined that there was only one delivery made to the store that day. During the interview with the delivery driver, investigators asked him if he returned to the store a second time on the day of the burglary. In response to the question, the driver turned red, averted his eyes, and delayed his response to the investigator's question. The physical response of the suspect was so pronounced that the investigators asked only a few more questions and concluded the interview. The investigators then checked the suspect's vehicle and determined that its tires matched those left at the scene. The investigation focused on the delivery driver who was convicted of the burglary, but never confessed to the crime.

In most cases, there will be an opportune time that the interrogator will have an advantage in obtaining the admission. In the case just cited, the time to begin the interrogation of the suspect was when he first realized the possibility that his involvement may have been discovered. The investigators certainly did not err in wanting to gather additional evidence before they confronted the suspect, but the tradeoff was letting the driver know that he was the focus of the investigation.

In most investigations, there will be a time that the suspect will be more susceptible to a confession. Unfortunately for the investigator, that time may arrive before the investigation is complete. The investigator has to make a decision whether the value of possible additional evidence will outweigh the suspect's current susceptibility to a confession. If the

investigators had confronted the driver based on his verbal and physical responses even though the investigation was not complete, they would not have lost the subsequent evidence, and may have gained a confession because of the suspect's momentary confusion.

Problems with Factual Interrogations

The question could be asked, "How could we confront someone without proof?" You can not, if you plan to use a factual attack, which involves building the case for the suspect's guilt with the evidence that was accumulated during the investigation.

However, there are several problems with a factual interrogation. First, the presentation of evidence may show the weaknesses in the investigation. Second, presenting evidence to a suspect when he is still physically and emotionally strong will often result in the suspect contradicting the evidence's meaning or relevance. Third, in the small number of cases where there might exist the possibility of a false confession, the subject's knowledge of the evidence could contribute to a convincing statement from the suspect, who just repeats the facts that he was told.

There are techniques that solve these problems and allow the interrogator to confront a suspect even when the investigation is not as complete as it could have been. These techniques give the interrogator an opportunity to take advantage of the optimum moment in time when the individual is susceptible to a confession.

In the next column, we will examine these techniques and the four part of interrogations in more detail. ■

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calendar

Industry Conferences & Events

September 3 – 6, 2002
International Association of Financial Crimes Investigators
Annual International Training Conference
The Park Plaza Hotel & Towers
Boston, MA
www.iafci.org

September 10 – 13, 2002
American Society for Industrial Security
48th Annual Seminar & Exhibits
Pennsylvania Convention Center
Philadelphia, PA
www.asisonline.org

September 22 – 24, 2002
National Association of Chain Drug Stores
Boardwalk Hotel, Disney World
Orlando, FL
www.nacds.org

October 6 – 9, 2002
Food Marketing Institute
2001 Internal Auditing Conference
Doubletree La Posada Resort & Spa
Scottsdale, AZ
www.fmi.org

January 12 – 15, 2003
National Retail Federation
92nd Annual Convention & Expo
Jacob Javits Convention Center
New York, NY
www.nrf.com

February 23 – 26, 2002
Food Marketing Institute
2003 Loss Prevention Conference
Sheraton Sand Key Resort
Clearwater Beach, FL
www.FMI.org

March 11 – 14, 2003
International Mass Retailers Association
Loss Prevention, Auditing & Safety
Conference
Caribe Royale
Orlando, FL
www.imra.org

March 26 - 28, 2003
International Security Conference and Expo
Sands Expo Convention Center
Las Vegas, NV
www.iscwest.com

June 3 – 6, 2003
National Retail Federation
Loss Prevention Conference & Exhibits
and Internal Audit Executives Conference
Henry B. Gonzalez Convention Center
San Antonio, TX
www.NRF.com