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The direct accusation can be the first step in obtaining a confession from a guilty suspect. (Photo Wicklander-Zulawski & Associates and Lombard Police Dept.)

begin an interrogation. They were told a direct approach starts the cycle of denials so the suspect's resistance to a confession could be measured. The direct accusation also focuses the suspect's behavior on a single issue lessening the likelihood of a secondary issue complicating the interrogator's behavioral observations. Finally, the direct accusation asserts the interrogator's confidence in the suspect's guilt, which suspects find unsettling.

Although simple to use, the direct accusation may have unexpected consequences for an unwary interrogator.

The following direct accusation is used to begin the interrogation of a suspect in an arson case.

Interrogator: *Bob, as you are aware, we are investigating a fire that burned a home on Elm Street Tuesday evening. I have the results of the investigation in this file...our investigation clearly indicates that you started that home on fire...*

Suspect: *No, I didn't!*

Interrogator : *Bob, as I said there's no question about the fact that you started that fire.*

Suspect: *But I....*

Interrogator : *Bob, let me finish. The reason why we're here is to try to understand the reason why this happened.*

The preceding depicts the use of the direct accusation as a means of beginning a confrontational interrogation with a suspect. The direct accusation encompasses the

Using the Direct Accusation

A tool for obtaining confessions

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Is the direct accusation the right tool for beginning an interrogation with a guilty suspect? Every interviewer should understand the direct accusation's component parts and the potential problems with its use before deciding to begin an interrogation with one.

For years investigators have been trained to use a direct accusation to

following basic structure:

- Identification of the suspect, if not previously met
- Identification of the specific incident under investigation
- Innuendo of evidence and a clear direct statement of the suspect's involvement in the incident
- Pause to listen and observe the suspect's response
- Repeat the accusation
- Stop probable denial
- Transition statement to shift the discussion to possible rationalizations for the suspect's participation

True to form, the directness of the interviewer's accusation almost always elicits a denial from the suspect. The suspect has now directly lied to the interrogator and must continue to do so to protect his position. The interrogator has complicated an already difficult situation by beginning the confrontation with a direct accusation which may cause other problems to surface later in the interrogation.

Predictably, the interrogation may cease immediately if the suspect invokes his Miranda rights in the face of being directly accused.

Historical perspective

The direct accusation has long been used to express one's belief a suspect was involved in an incident. However, its use was formalized with the advent of the polygraph testing in the opening decades of the 20th century. The early polygraph examiners were tasked with developing not only a testing procedure that would reliably identify a guilty suspect, but also methods to obtain confessions from the guilty.

The early examiners used a series of checks and balances in an attempt to develop a reliable means of identifying the guilty. Recognizing that innocent and guilty subjects reacted verbally and physically different, the examiners used a pretest interview providing them with an indication of the subject's probable innocence or guilt. Next, the examiners used a testing sequence during which they recorded the subject's physiology. An evaluation of the changes of the subject's physiological responses to questions asked during the examination allowed the examiner to determine whether or not the subject was deceptive. Once the examiner had determined the suspect was lying he would use a direct accusation to begin the interrogation. The direct accusation elicited additional behavioral clues in the form of denials, which were used by the examiners to confirm the suspect's probable guilt. In addition, eliciting denials helped the examiner evaluate the suspect's level of resistance to confessing. The direct accusation was also used when a subject's guilt was uncertain and the investigator needed additional behavior to confirm the individual's guilt or innocence.

Since early interview and interrogation seminars were developed by polygraph examiners it is clear why the direct accusation was incorporated in their programs. They were simply teaching the only way they knew how to interrogate. Unfortunately, the inclusion of the direct accusation in an interrogation usually only complicates matters.

Decision to confess

A suspect's decision to confess can be a simple or complex problem depending on the individual and the strategy employed to obtain the confession. Most suspects confess as a result of one, or a combination, of the following reasons.

The individual:

- Believed his guilt was known.
- Wants to put his own spin or explanation to the incident.
- Felt guilt for his actions.

The direct accusation relies on a single sentence and a somewhat theatrical presentation to convince the suspect his guilt is known. The interviewer holding a file folder purporting to be the investigation says, "I have here the results of our investigation into the fire at that home on Elm Street Tuesday night. Our investigation clearly indicates that you are responsible for starting that fire."

The investigator delivers this statement in a clear concise manner, while gesturing to the file folder. The innuendo of evidence and the statement's directness allows the investigator to express absolute confidence in the suspect's guilt. The direct accusation may be delivered while standing over the seated suspect to show an additional level of authority and certainty in the individual's guilt. The directness of the accusation almost always elicits a denial from the suspect, who must then continue to deny protecting his position.

By using a direct accusation the interrogator has focused his interrogation on a single incident. This allows the suspect to defend himself on a single point of contention, rather than a pattern of behavior, which would spread and weaken his defenses. Imagine holding a ball and having to fight to keep it from an opponent. Which would be easier to retain a single ball or ten balls? You would lose the encounter if even one ball gets away. Multiple balls require you to spread your defenses to protect the ten, logically weakening the attention paid to each. An interviewer who can conceal what he knows, or does not know, forces the suspect to spread his defenses over his pattern of criminal behavior and not just on the single incident identified by the direct accusation.

Rational versus emotional decision to confess

The direct accusation also encourages the suspect to make an emotional decision to confess. When a suspect makes an emotional decision to confess he generally takes a role similar to that of a child being confronted by his parent. The parent makes a direct accusation of improper behavior, which is denied by the child. The parent then overcomes the child's denials forcing the child into submission and finally obtains the admission. This admission is often accompanied by tears and withdrawn behavior as happens prior to confession. Using a direct accusation encourages the suspect to make a similar emotional decision to confess causing the submissive phase of the interrogation to be easily observed by the interrogator. Unfortunately, a suspect who refuses to accept the role of the child being confronted by a parent may become more difficult to handle because he or she rejects the way the relationship was constructed. This results in the suspect using emotional resistance, which may be difficult to overcome, even when there is direct evidence of the individual's guilt.

Rationalization

The direct accusation may also contribute to problems when the interrogator attempts to rationalize the suspect's behavior. Because the investigator initially personalized the accusation by directly accusing the suspect, it is now evident to the individual every rationalization is directed at him. Once a suspect believes the rationalizations are meant for him, he is indirectly encouraged to use additional emphatic denials to disrupt the delivery of the investigator's presentation.

The effectiveness of the investigator's rationalizations is minimized because the suspect is focused on denial, rather than listening to the face-saving device of rationalization. The interrogator may also find it difficult to evaluate the effectiveness of early rationalizations because of the intensity of the denials being offered by the suspect. At first a suspect may reject an acceptable rationalization simply because he was not carefully listening, but instead was looking for an opportunity to protest his innocence.

Development of the admission

Another problem caused by the direct accusation can be found while attempting to develop the suspect's admission. An interrogator electing to use a direct accusation accuses the suspect of a single instance, for example the fire at the house on Elm Street. The direct accusation has the effect of identifying the potential exposure the suspect faces in the investigation, in this case the fire. The suspect evaluating the interrogator's tactics often believes this is the only incident the interrogator knows, so it limits additional admissions to other crimes.

Since the suspect believes he has only been identified for setting one fire, he will be considerably more reluctant to admit to any secondary issues. As investigators are aware, criminals develop patterns of crime that tend to evolve over time. It is unlikely the investigation has uncovered the first and only instance of the suspect's criminal activity. Usually, there will be a pattern of crimes, which may only be uncovered during the development of the admission process. However, having identified the focus of the investigation by using a direct accusation the interrogator may have diminished the suspect's belief his other crimes have been discovered. The result is an admission to just the single crime.

There may be instances where the direct accusation is necessary, such as in a homicide, where it is unlikely the suspect has been involved in multiple murders. Patrol officers may also find the direct accusation effective since there is strong evidence of the suspect's guilt present at the scene.

The use of the direct accusation is also not visually attractive because of its perceived harshness. Watching an emotional interrogation of denial followed by repeated accusations can be difficult to observe. The direct accusation also increases the length of an interrogation, since the suspect's denial must be overcome before a confession can be obtained. The direct accusation often encourages the suspect to invoke his Miranda rights or cause the suspect to demand evidence of his guilt. Being trapped into discussing evidence early in the interrogation gives the suspect a strong indication of what may be known and how it was discovered so he may concoct plausible explanations.

The power of the direct accusation lies in its clear confident statement the suspect is involved in the incident under investigation. The use of the direct accusation also offers the investigator another opportunity to observe the suspect's behavior while estimating his level of resistance to confessing. The interrogator must determine whether a single issue is what he wants to focus on during the interrogation or if he wants to expand the admission to other incidents. Being aware of the pitfalls allows the interrogator to correctly select when, or if, the direct accusation should be used in an interrogation.

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