

What Works?

An Overview of Non-Confrontational Interview Methods



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1

THINK ABOUT SOMEONE IN YOUR LIFE WHO STANDS OUT AS BEING AN “EFFECTIVE” COMMUNICATOR

2

3 WORDS TO DESCRIBE THEM...

3

learning objectives

- Discuss the key differences between a "confrontational" interview and a "non-confrontational" interview
- Learn the history of investigative interviewing in the US, to help understand why we do what we do
- Explain why the reliance on behavior has shifted, and understand what role it still plays
- Discuss the common evidence based interviewing methods and how they work with one another

4

Confrontation v. Non- Confrontation

5

"The first tactic is to employ a *friendly approach*. The primary objective of this tactic is to create an atmosphere in which the source feels comfortable by, for example, displaying acceptance and adaptive interpersonal behaviors."

A.

One of these quotes is from 1943 and one is from 2022—
what's what?

↑ ↓

"Lying about evidence, prolonged interrogations without breaks, sleep deprivation, refusing verbal objections, overt threats"

B.

6

"The first tactic is to employ a *friendly approach*. The primary objective of this tactic is to create an atmosphere in which the source feels comfortable by, for example, displaying acceptance and adaptive interpersonal behaviors."

-Description of the Sharff Technique,
1943

"Lying about evidence, prolonged interrogations without breaks, sleep deprivation, refusing verbal objections, overt threats "

-Critique of Modern Confrontational Interrogations in the US,
2023

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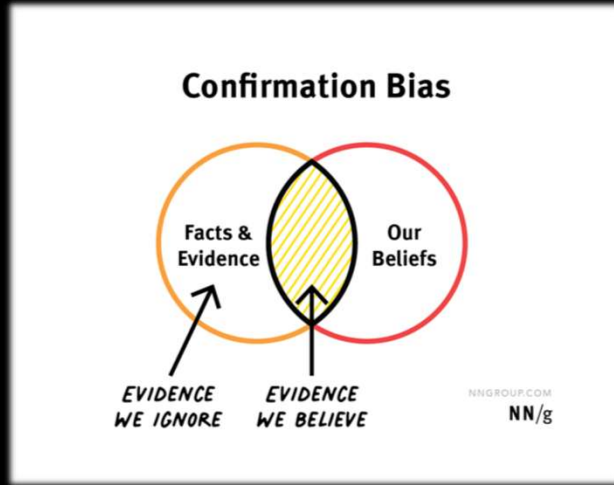
What WAS the Objective?



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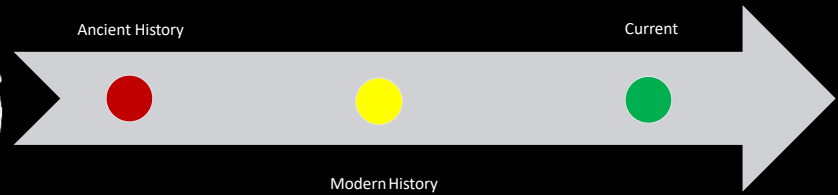
CONFIRM!
CONFESS!



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**The
Evolution**



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Modern History

- Behavioral analysis for deception detection
- One-Size-Fits All
- Confession-driven
- Anecdotal experience

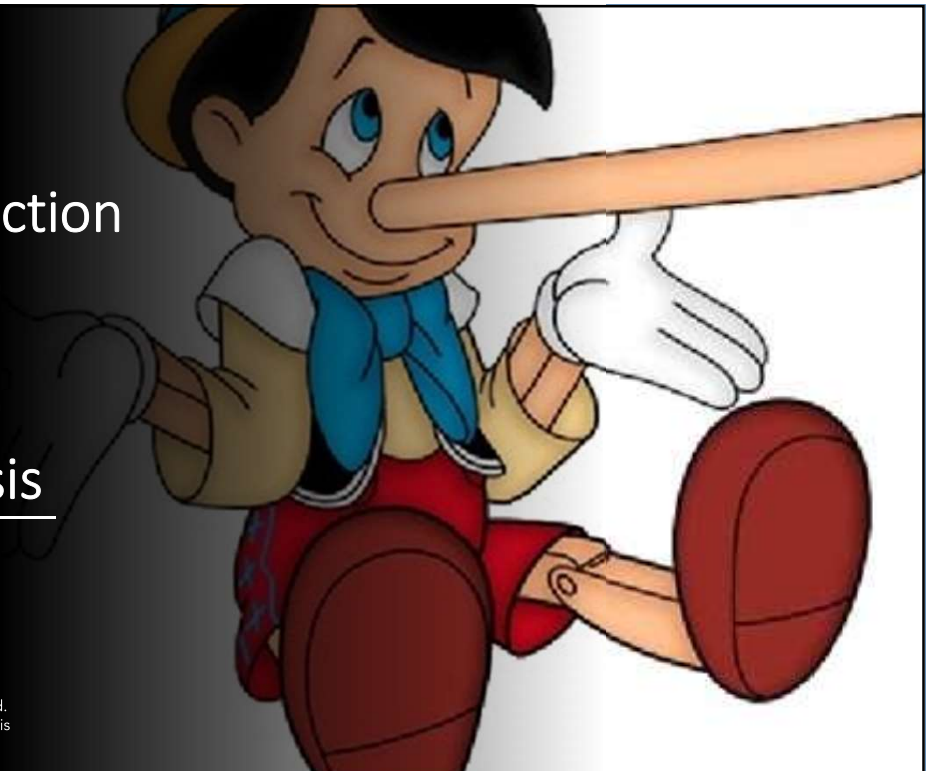


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Deception Detection & Behavior Analysis





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Liar! Not so fast.




- Accuracy of “detecting deception”
- Alternative reasons for non-verbal responses
- Exploring areas of concern
- Misclassification error

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The Role of Behavior in the Non-Confrontational Investigative Interview



- Building a “behavioral norm”
- “Roadmap” mentality
- Constant place of self-assessment

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Other Factors to Consider.

- Innocent’s fear of being disbelieved
- Intellectual capacity
- Traumatic experiences
- Medical Conditions / sobriety
- Cultural differences
- Youthful subjects
 - Suggestibility
 - Other issues of concern



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That
brings us
to today..

Historical

- Behavioral analysis
- Confession-driven
- Anecdotal experience

Moving Forward

- Evidence-based
- Multiple methods
- Obtaining actionable intelligence

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Goal
=
Actionable Intelligence

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PARTICIPATORY METHOD

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COGNITIVE INTERVIEW

FACT-GATHERING INTERVIEW _____

A constructed method for the investigator to listen carefully to the words used by a subject to identify when the individual is offering an assumption, indicating a bias, stating a qualifier, or providing actual facts.

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PARTICIPATORY METHOD

WZ METHOD

COGNITIVE INTERVIEW

PARTICIPATORY METHOD _____

A strategic conversational method to minimize resistance of subjects and lead investigators to more reliable information. It allows subjects an opportunity to define the boundaries of their actions or to present an alibi before an accusation is made or evidence is presented.

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21



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Trauma changes...*everything*

- Unstable emotions
- Self-blame
- Contradictory information
- Memory lapses

Looks like a duck quacks like a duck—it must be a duck, right?

Wrong.

23

This experience of trauma is not unique to one particular group.



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What happens to the brain during a traumatic incident?



- The brain perceives a threat
- The brain takes self-protective measures
- These measures are automatic reactions
- These measures can have an impact on reporting

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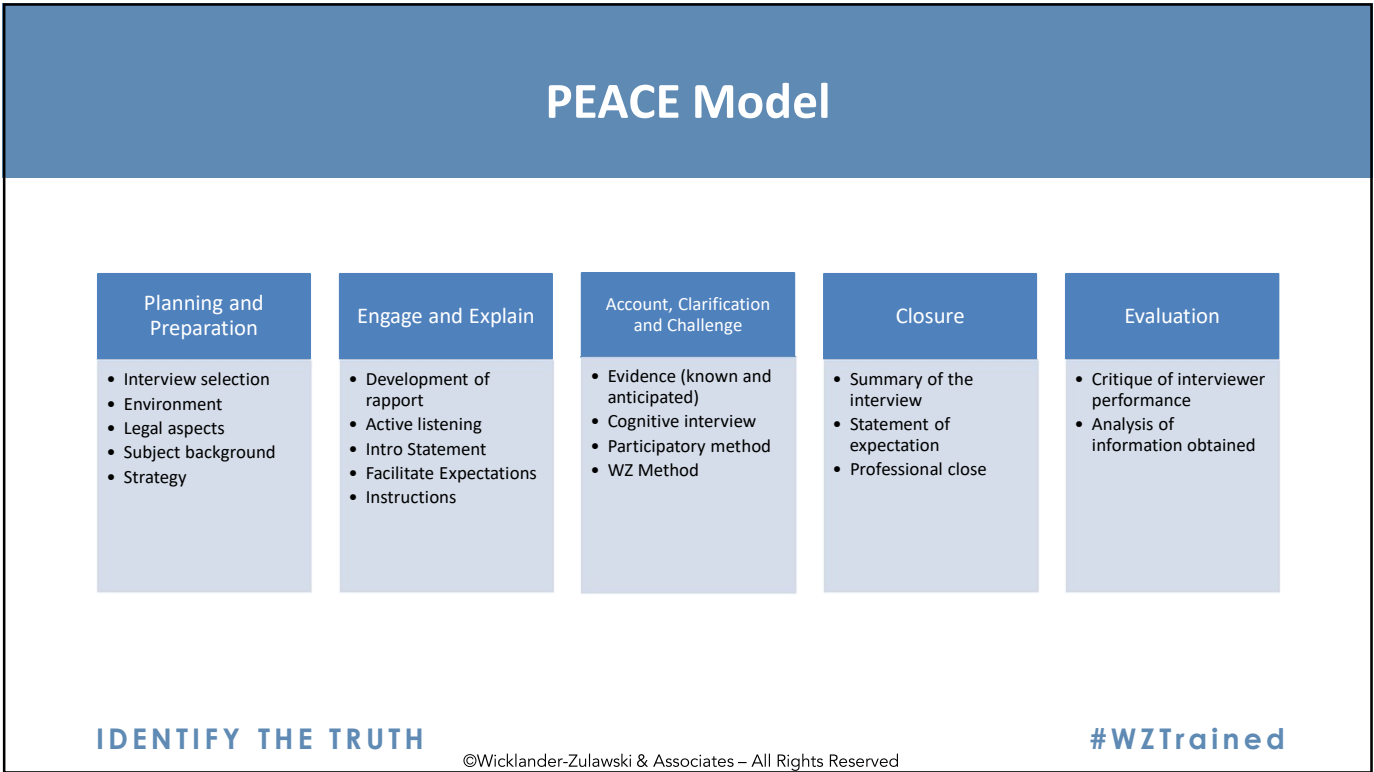


P.E.A.C.E.

The P.E.A.C.E model is an investigative interviewing method that comprises five basic steps using the letters to prompt the different phase names of the interview; Preparation and Planning, Engage and Explain, Account, Closure and Evaluate.

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26



27



28

More Options.



29

Profile of an Informed Interviewer

- Open to Feedback
- Patient
- Adaptable
- Open-Minded
- Emotionally Intelligent
 - Self-Aware
 - Cognizant/Curious of Biases



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Rapport! What is it Good For? --- Absolutely Everything.



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learning objectives

- Discuss the definition of rapport
- Identify the meaning of "inherent resistance" and its application to the interview
- Assess the ORBIT principles for facilitating rapport
- Discuss the role adaptive and maladaptive behaviors play within the context of the interview
- Identify effective ways to maneuver a conversation to ensure adherence to adaptive behaviors



32

“Inherent Resistance”



The Challenge.



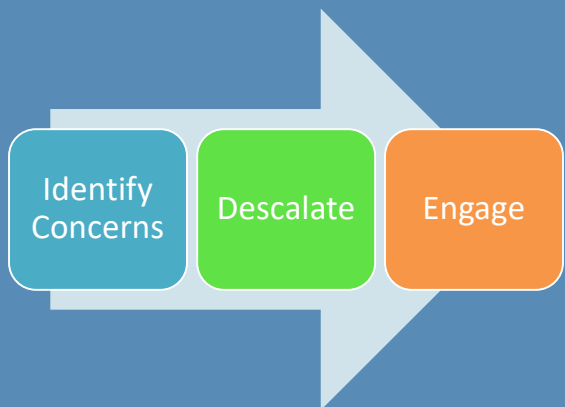
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Starts and Ends with Rapport

I love asking employees
if they have a minute...
scares them every time



someecards
user card



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Origin of Rapport

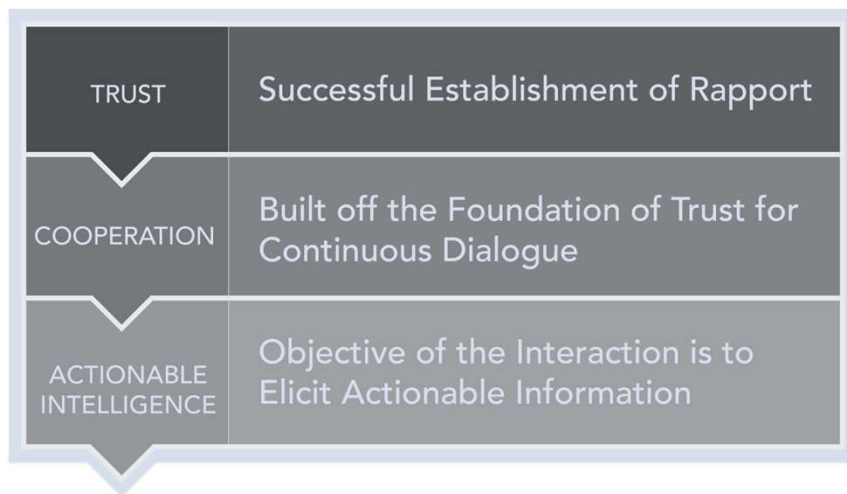
- Starts & ends with reputation
- Causes of resistance
 - *Negative*
 - *Positive*



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Rapport

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- Significance of the ORBIT research findings
- Largest field-based study focused on rapport during investigative interviews
- Universal impact across all venues

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FOUNDATIONS OF RAPPORT



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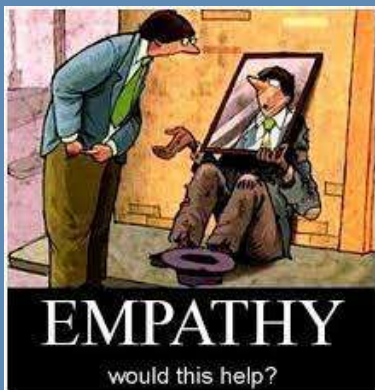
HONESTY

- Transparency
- Credibility
- Respect



39

EMPATHY



- Supportive environment
- Trust
- Cooperation



40

AUTONOMY

- Make decisions
- Take action
- Trust & mutual respect



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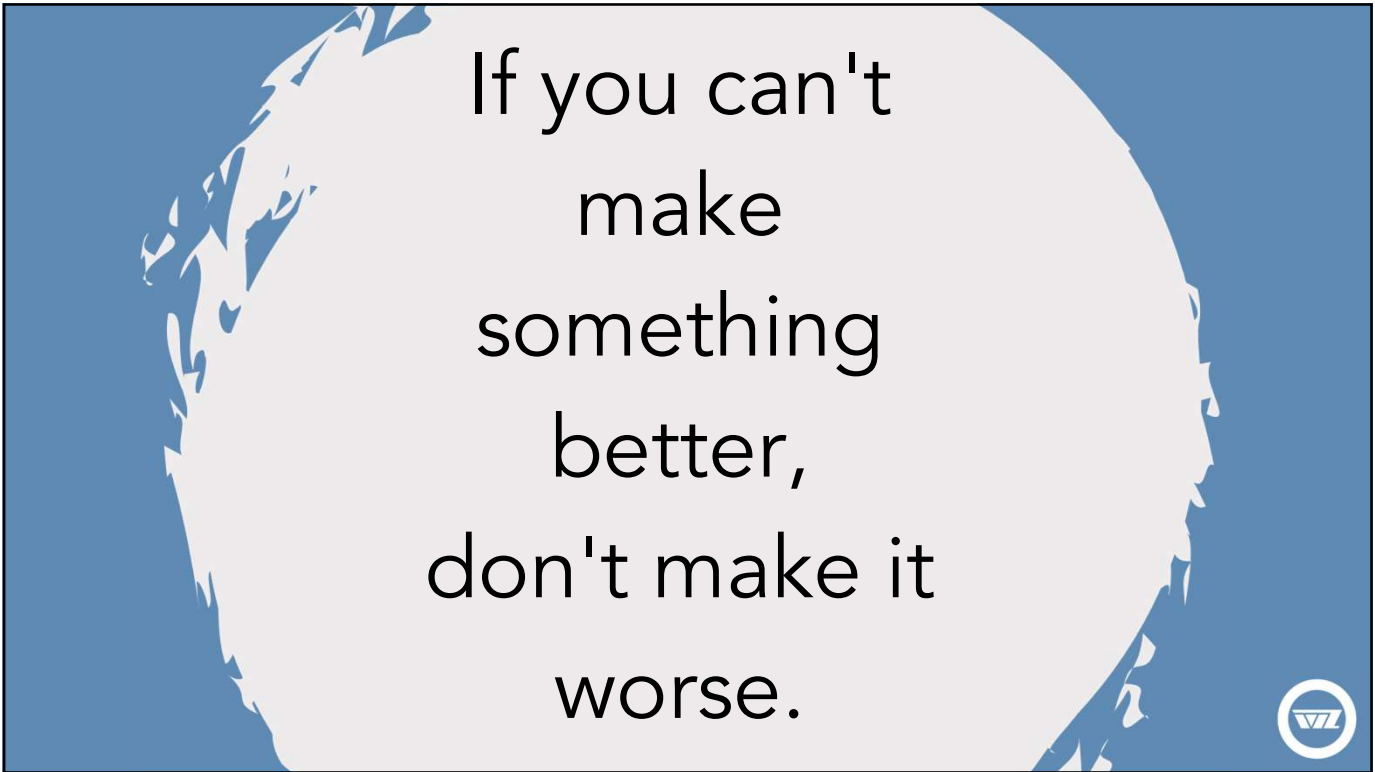
ADAPTABILITY



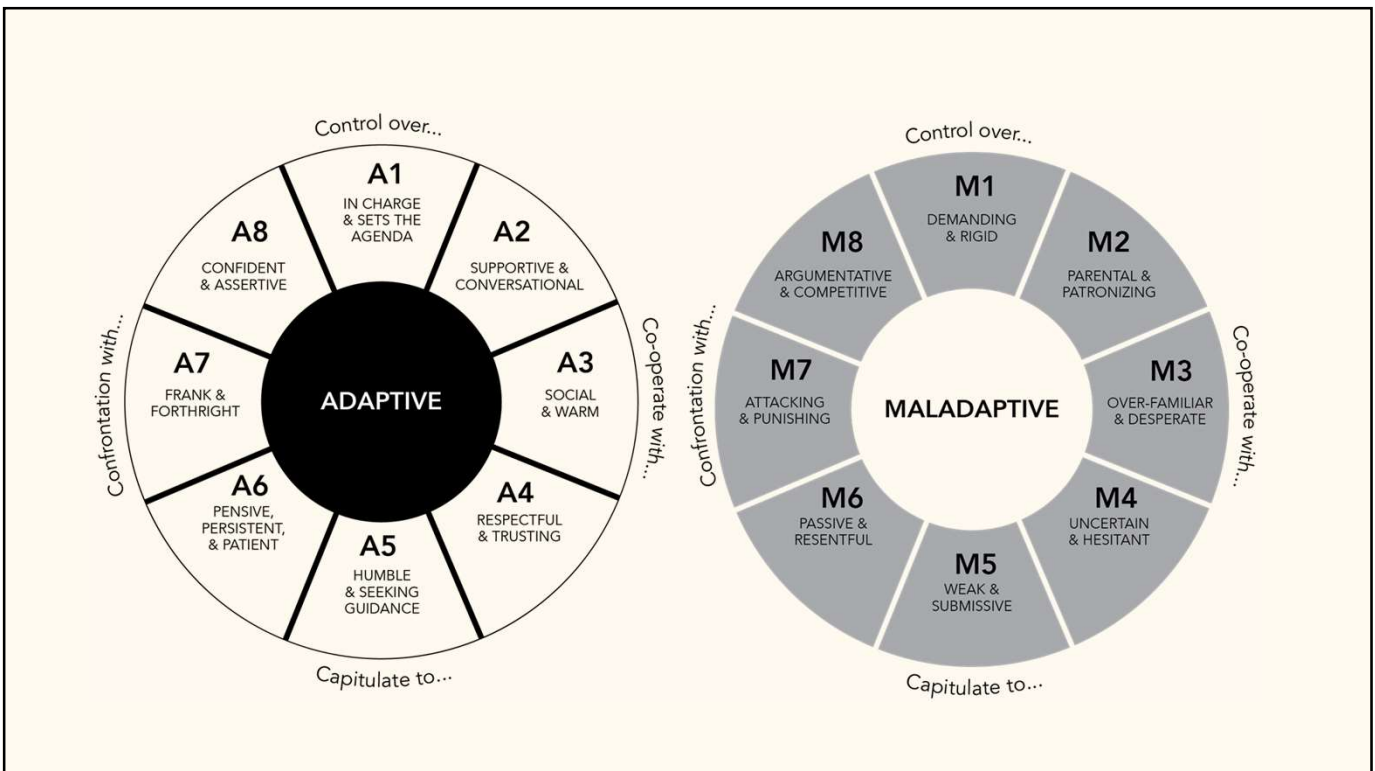
- Flexible
- Mutual understanding
- Collaboration



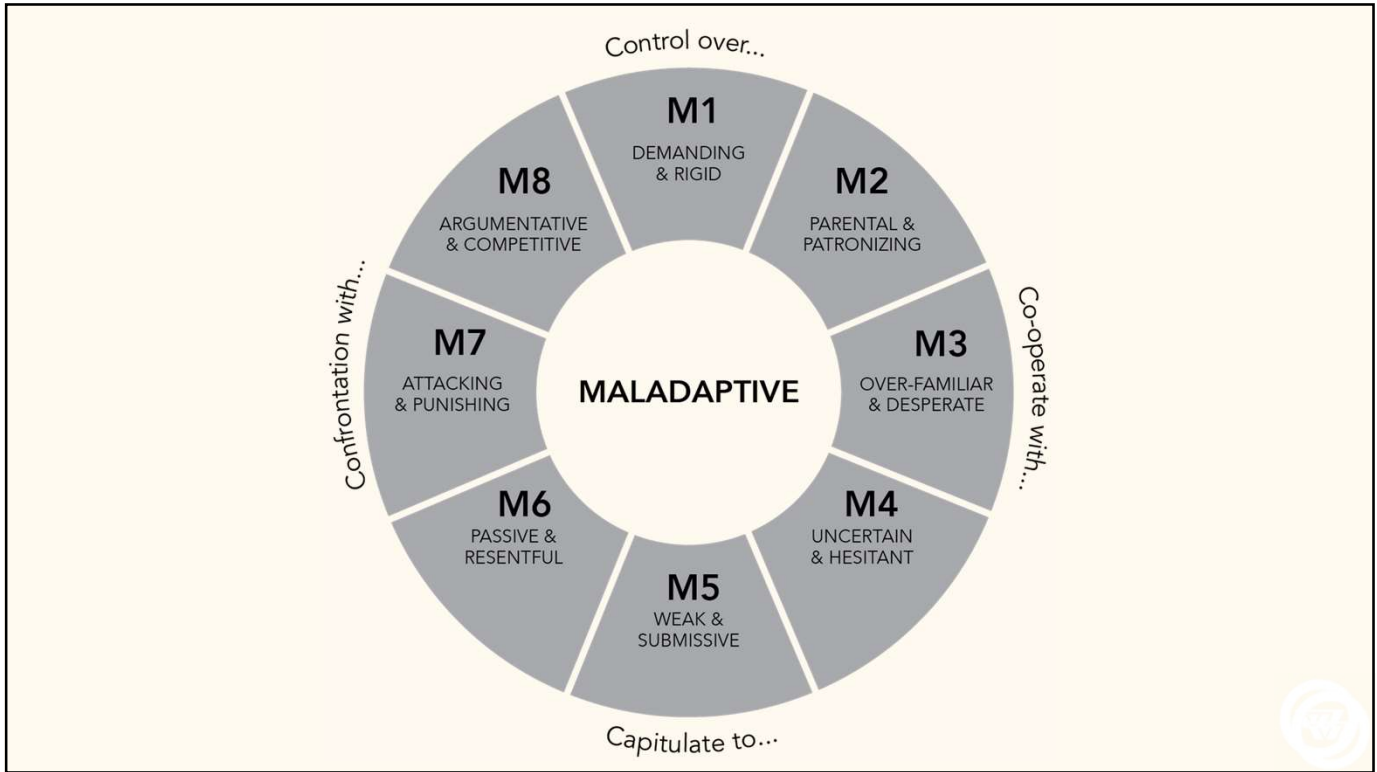
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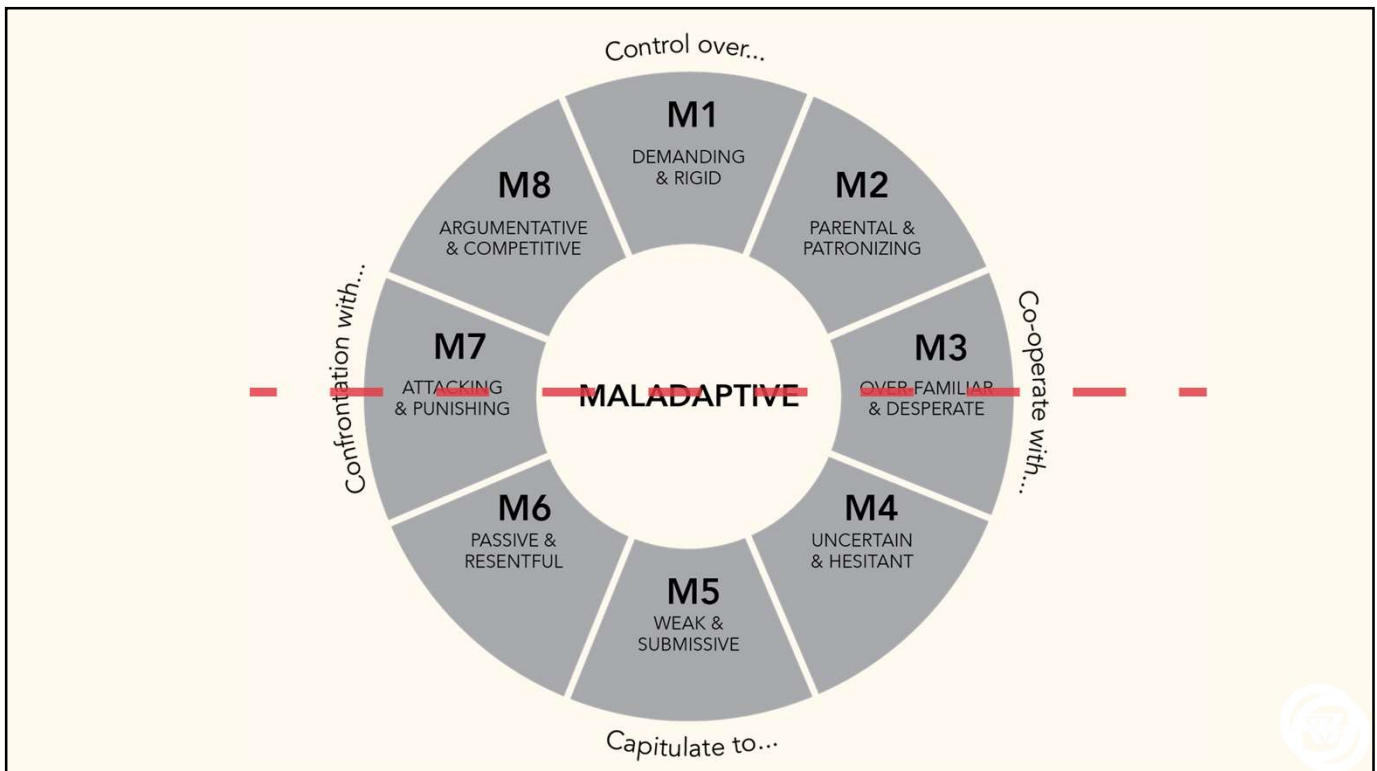
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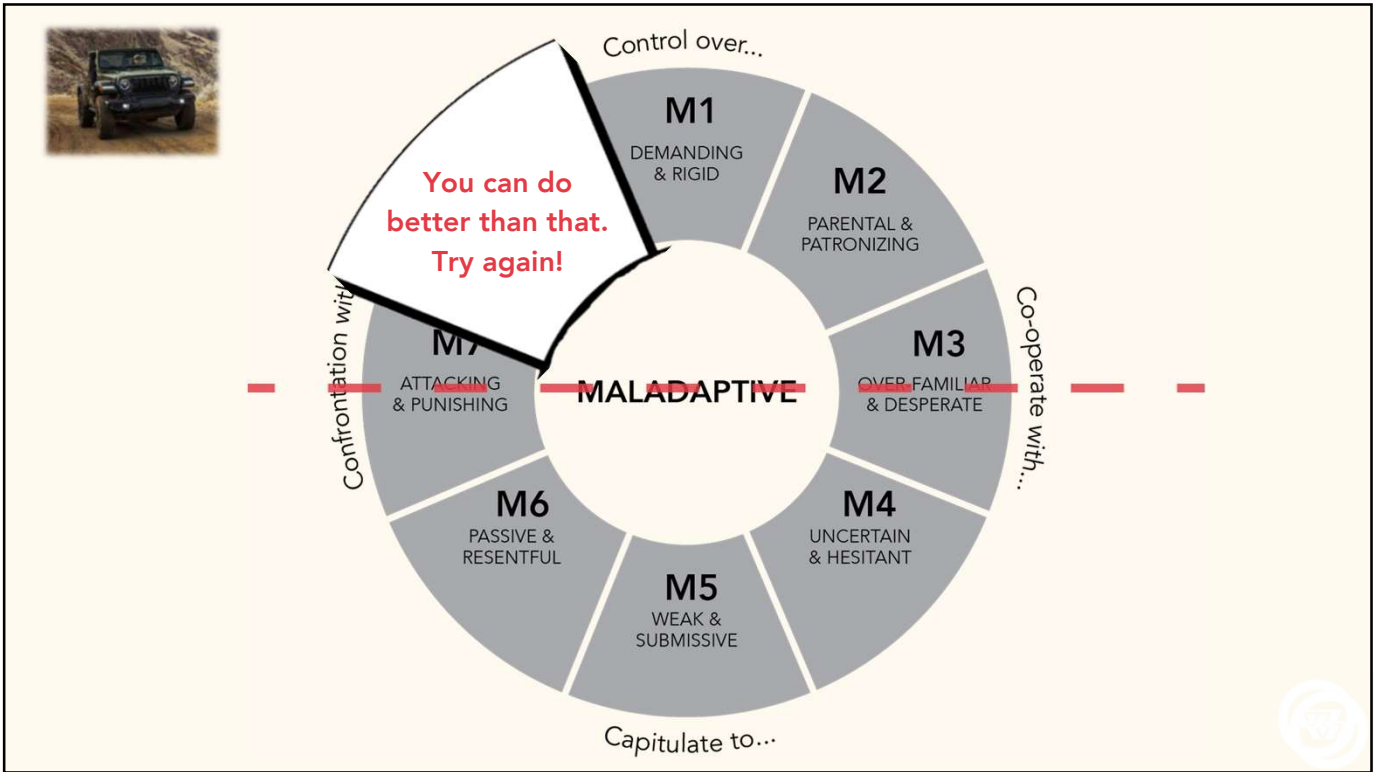
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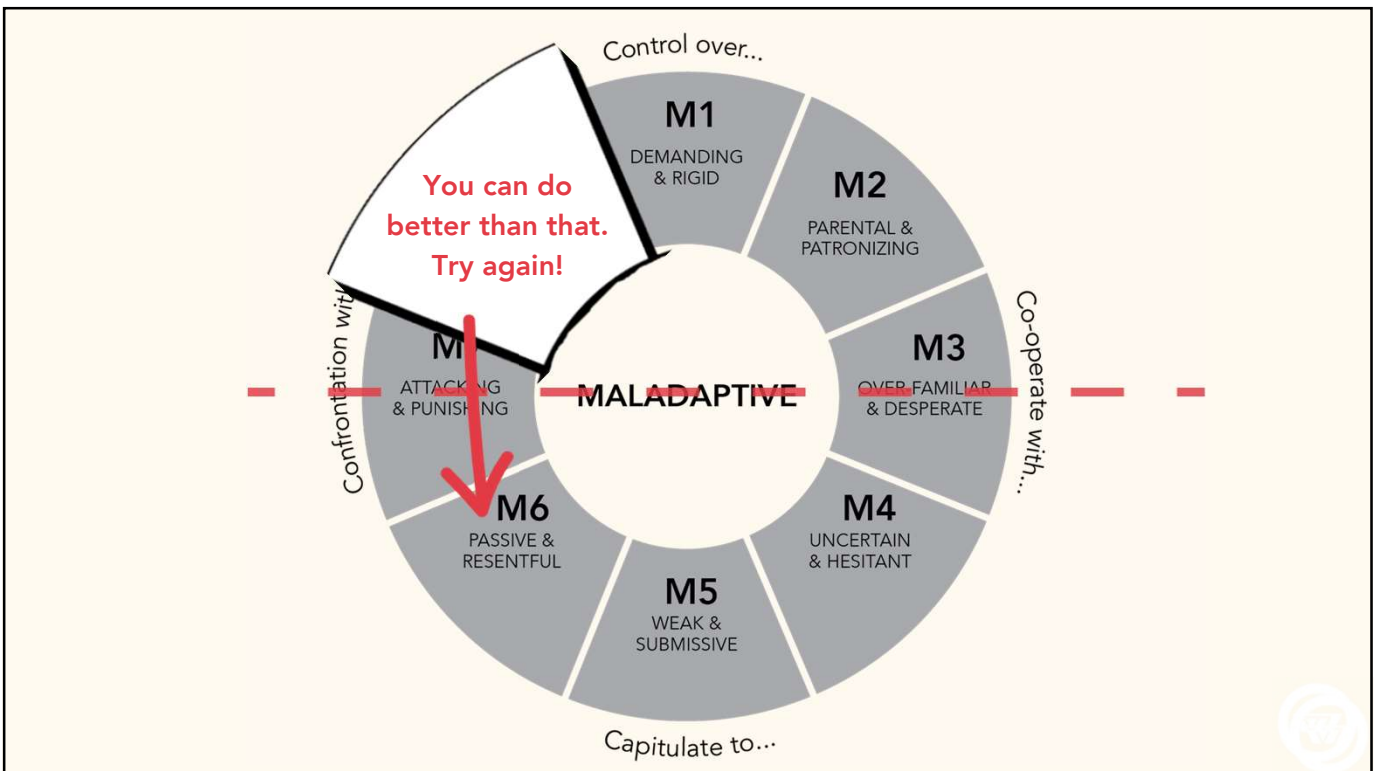
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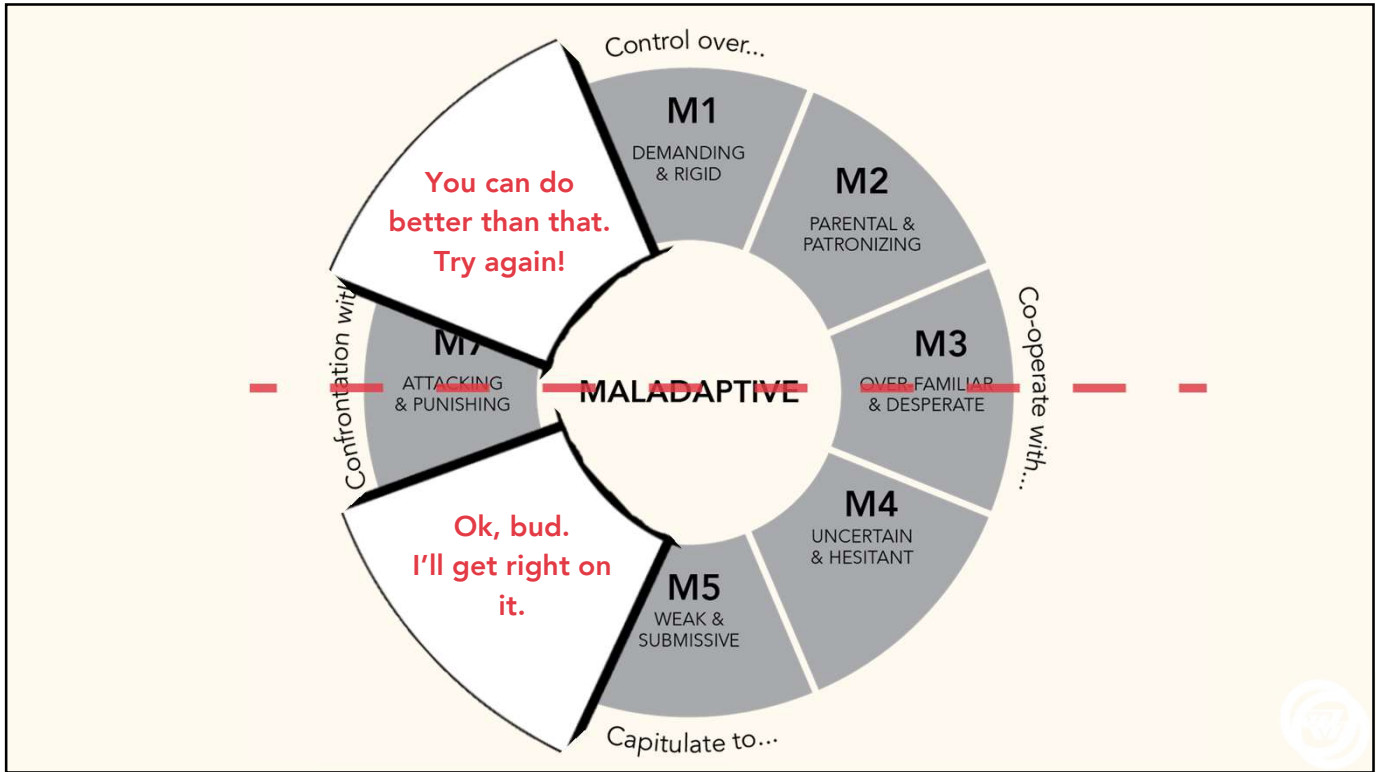
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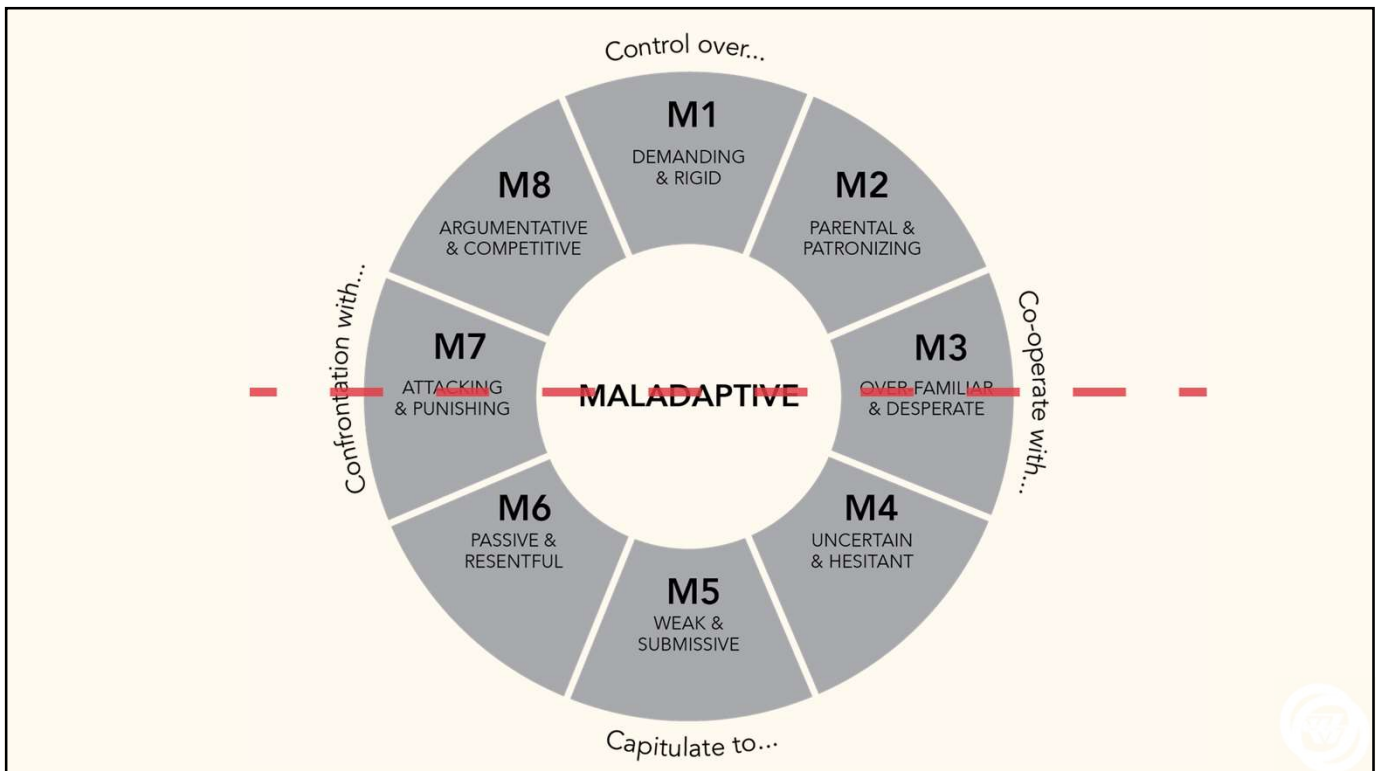
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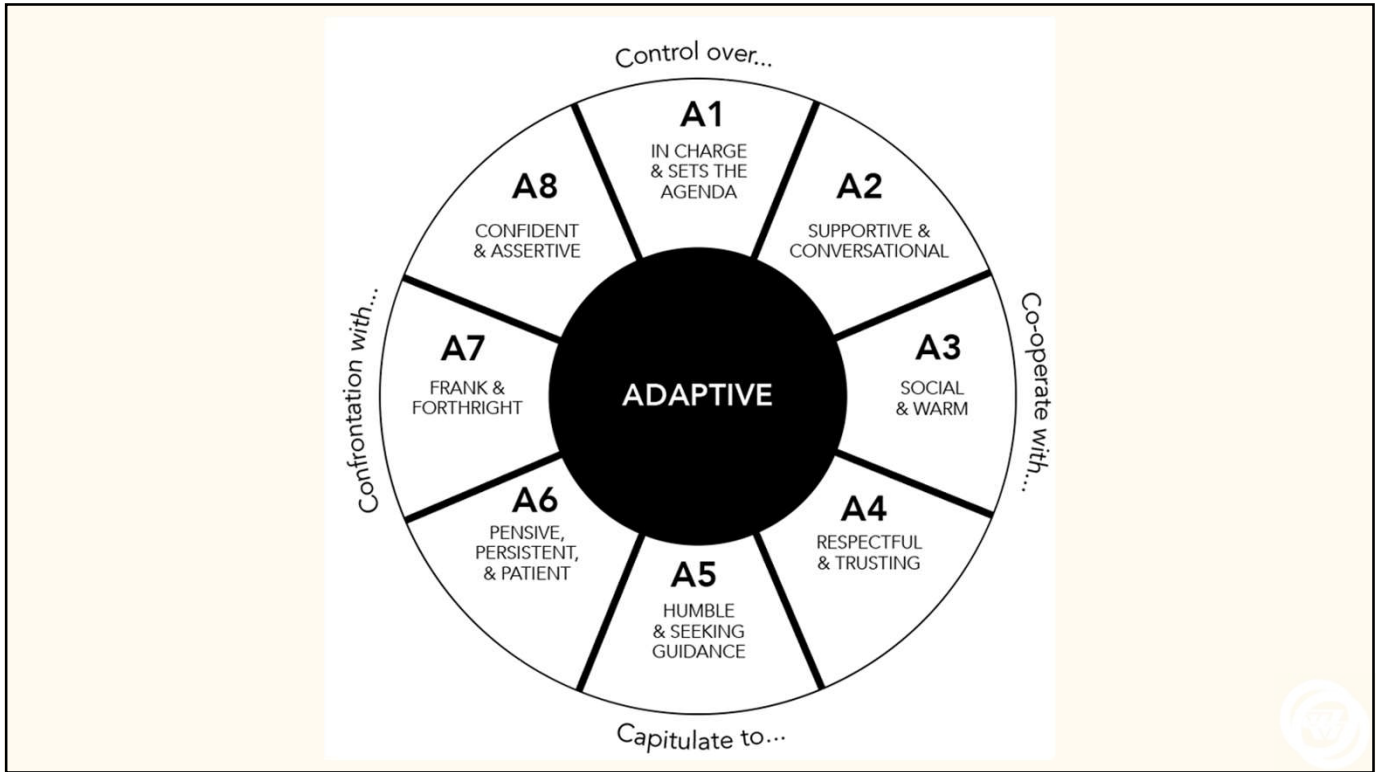
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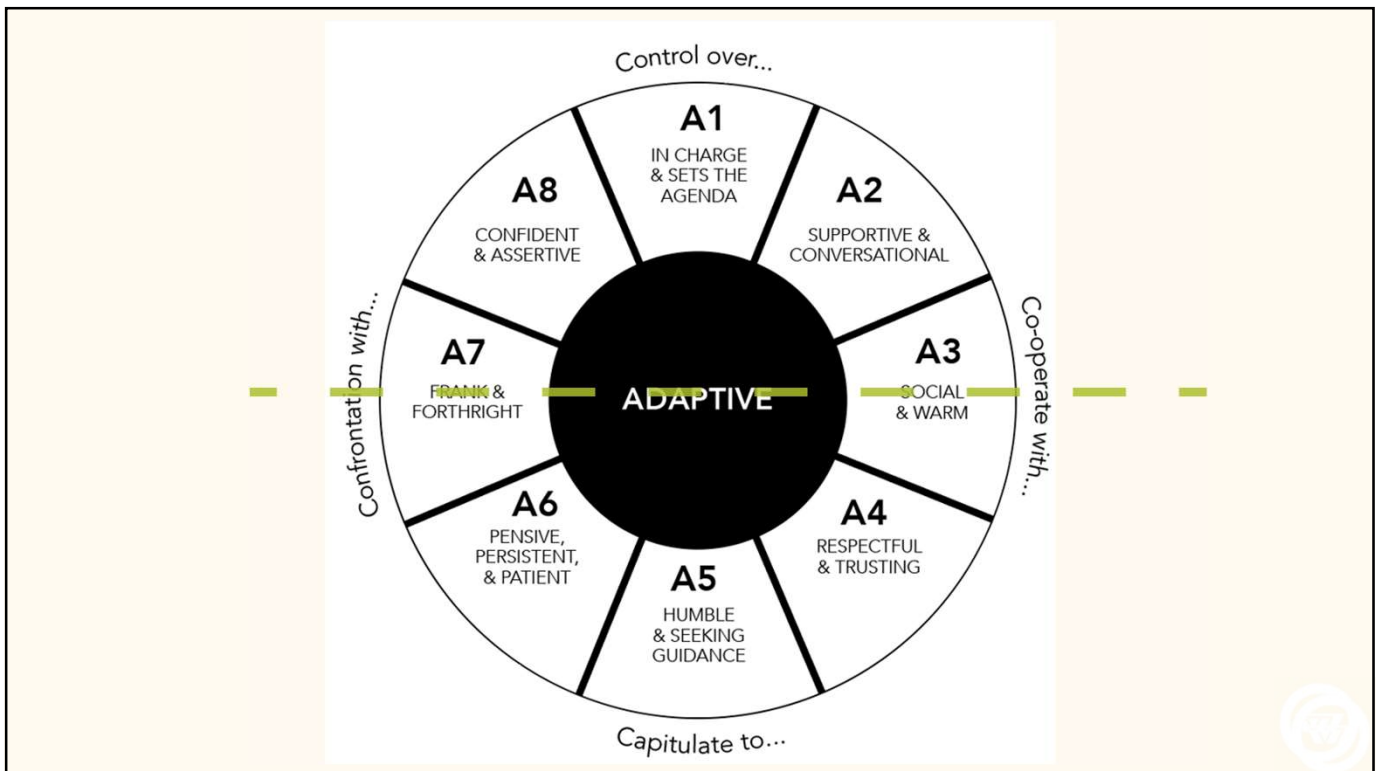
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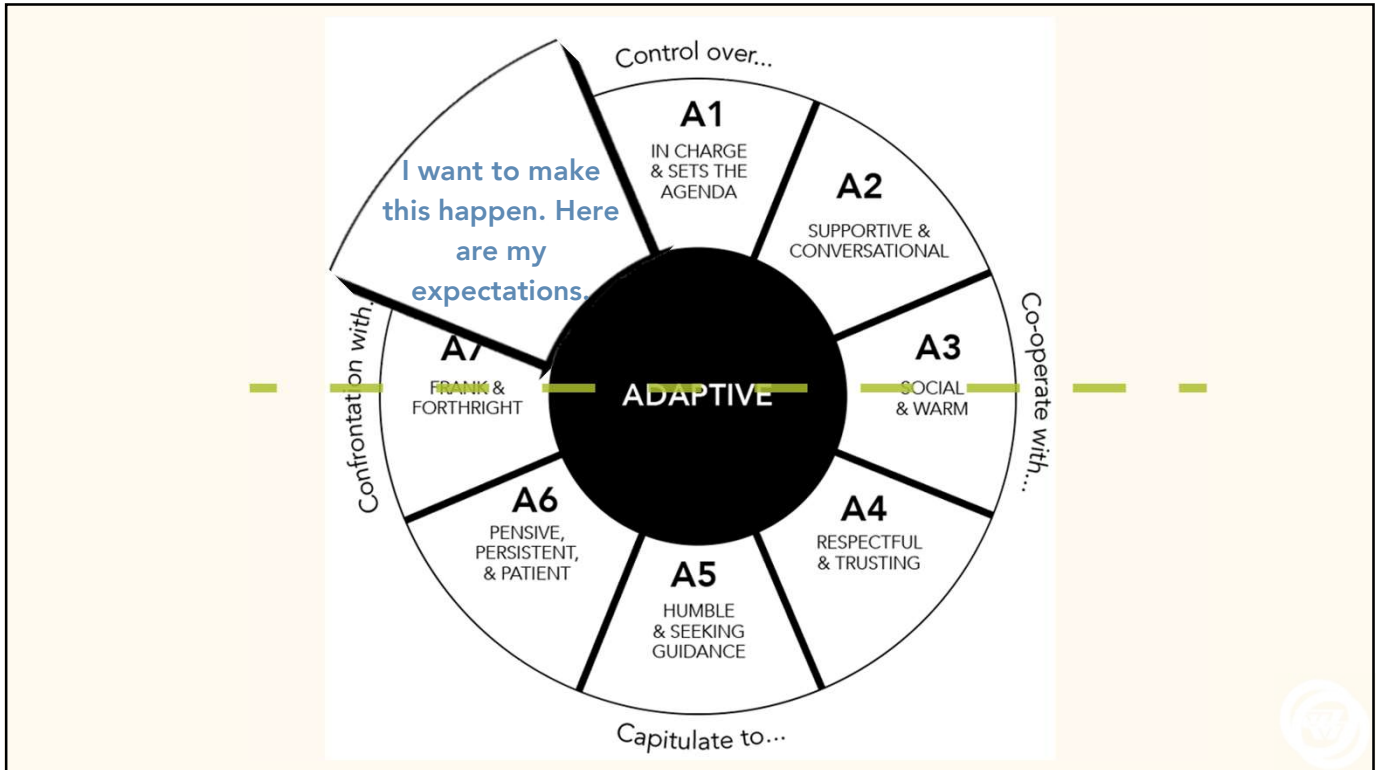
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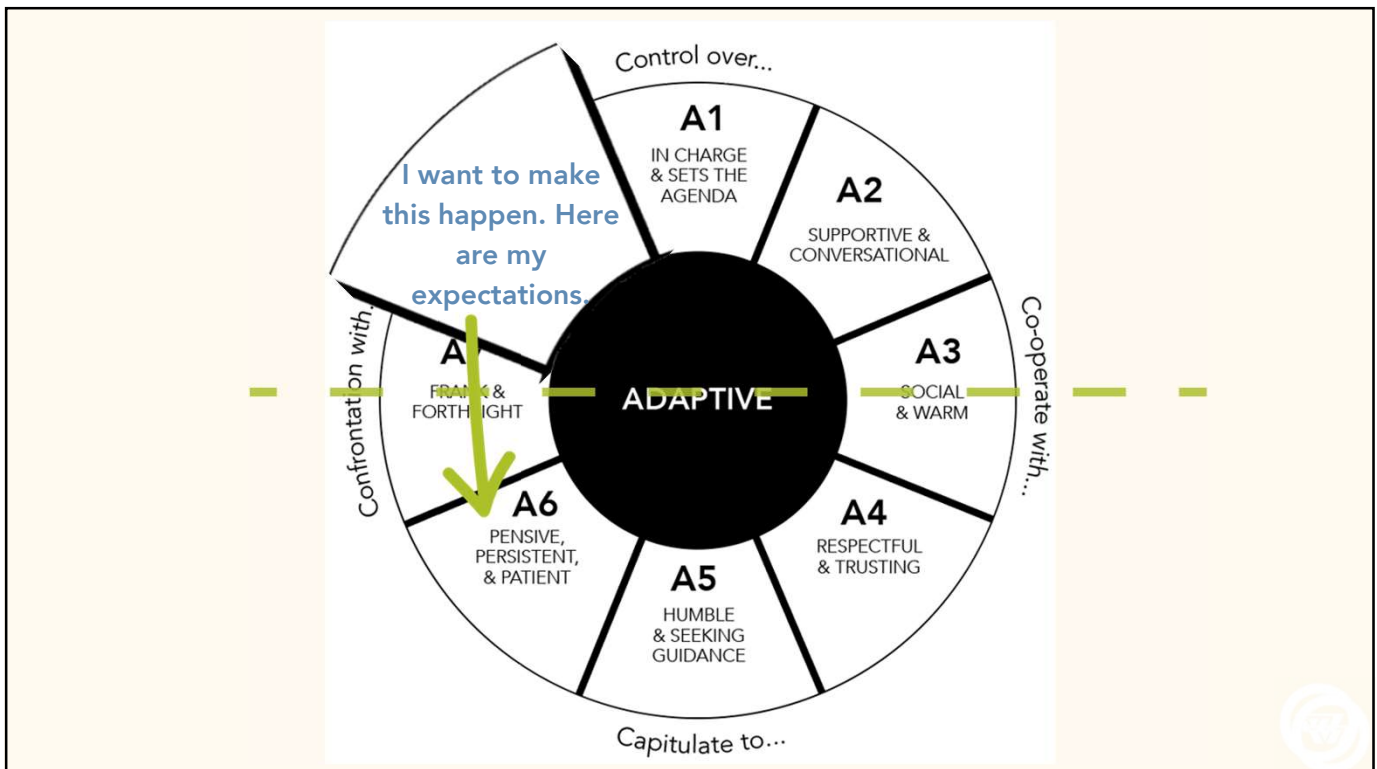
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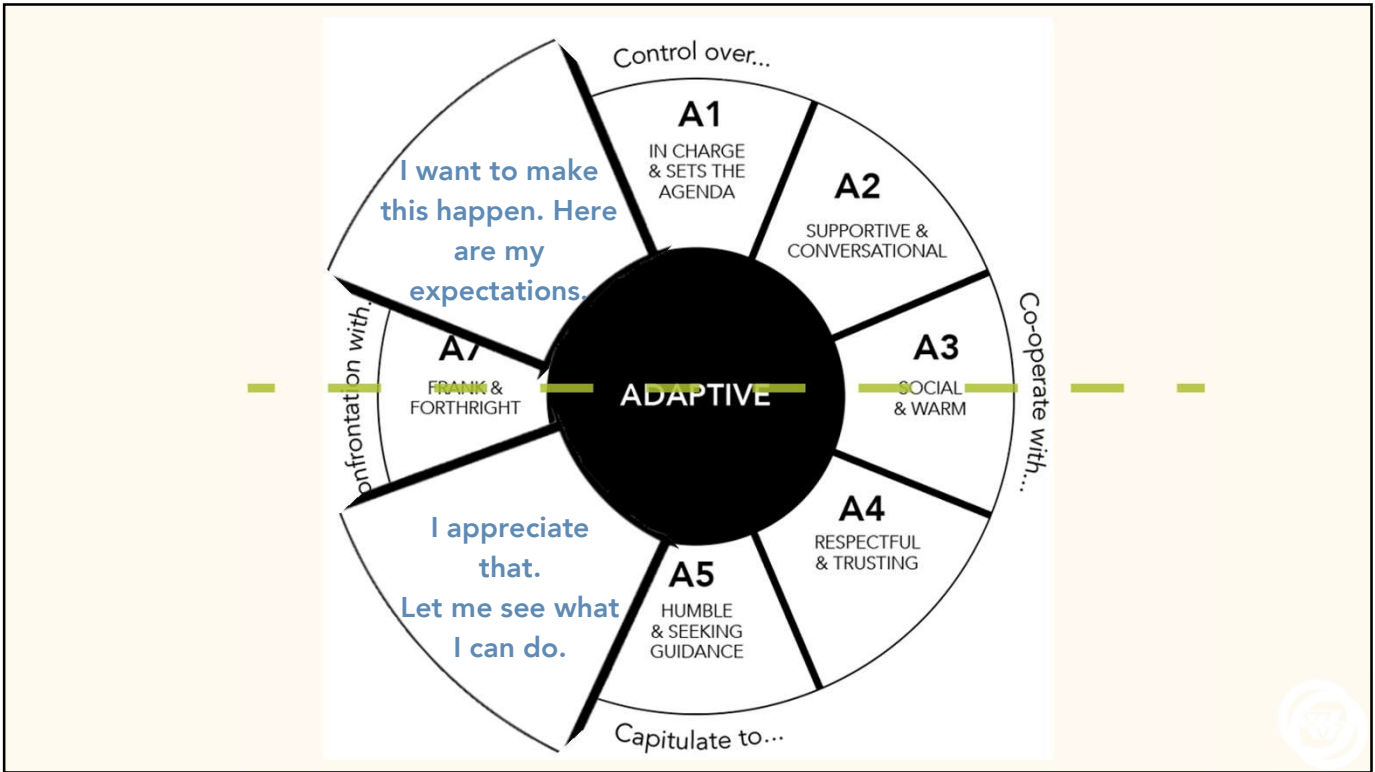
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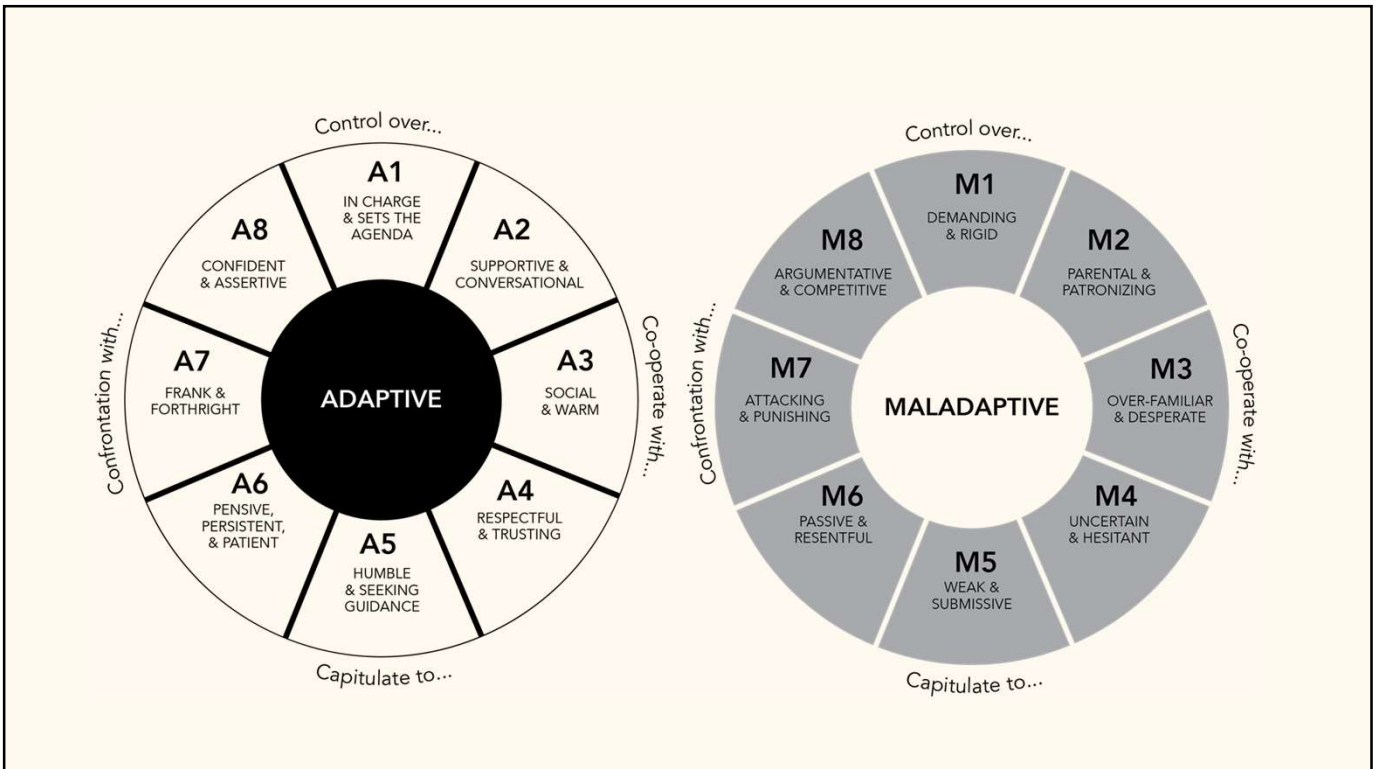
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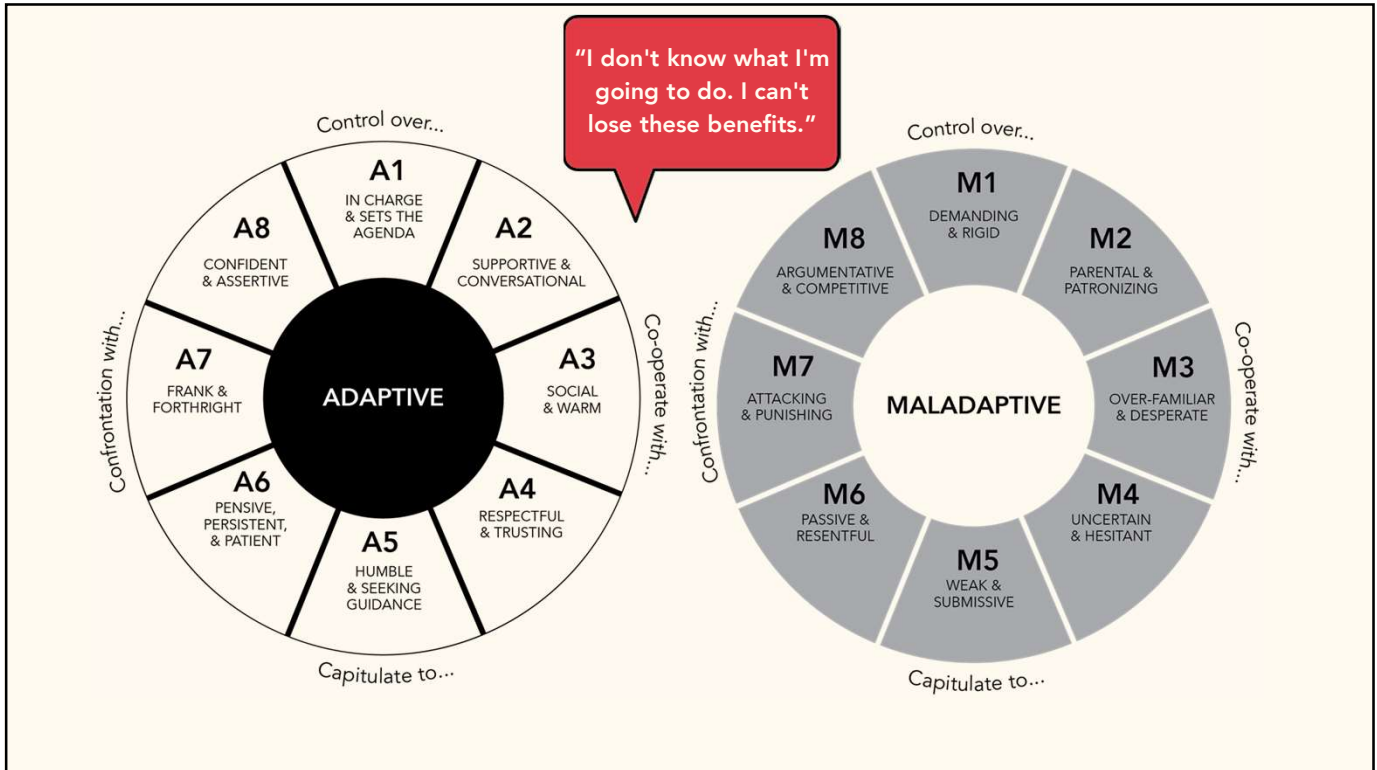
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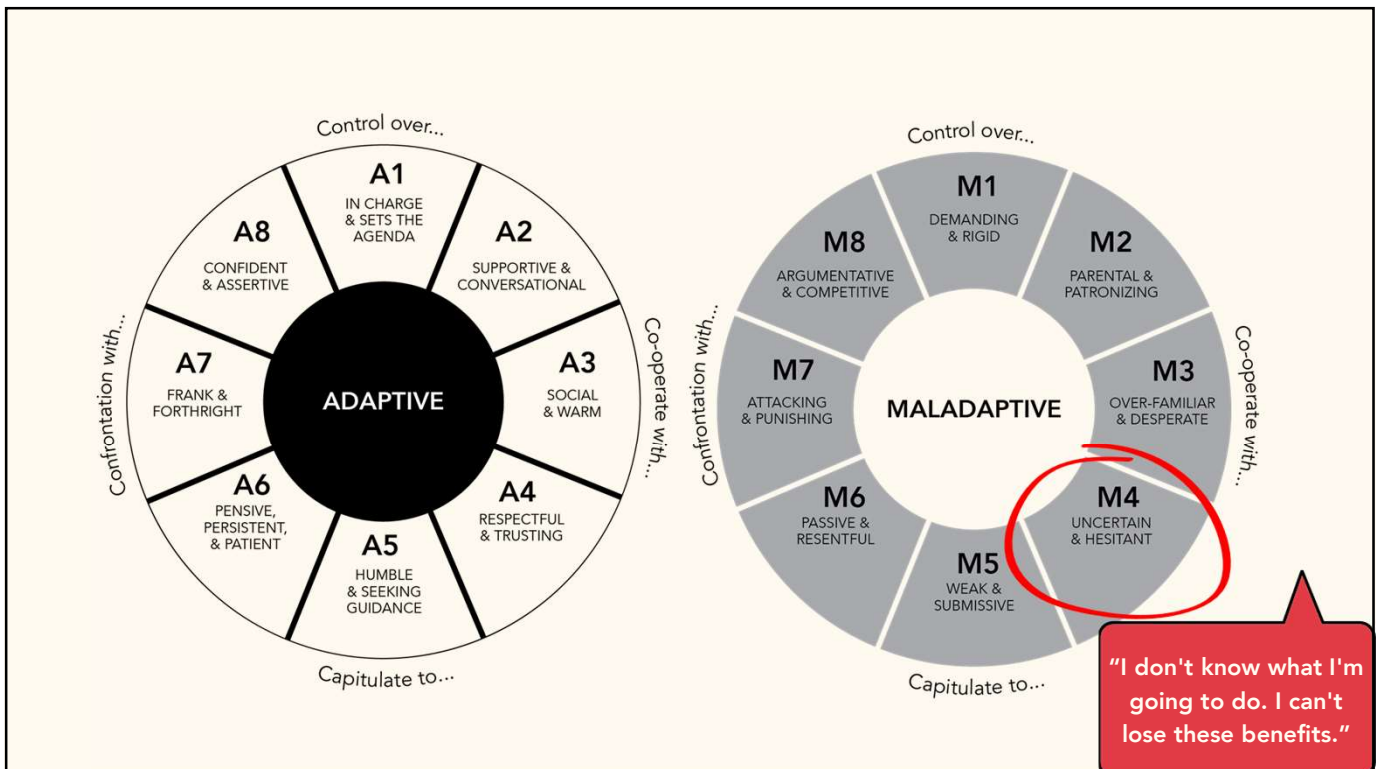
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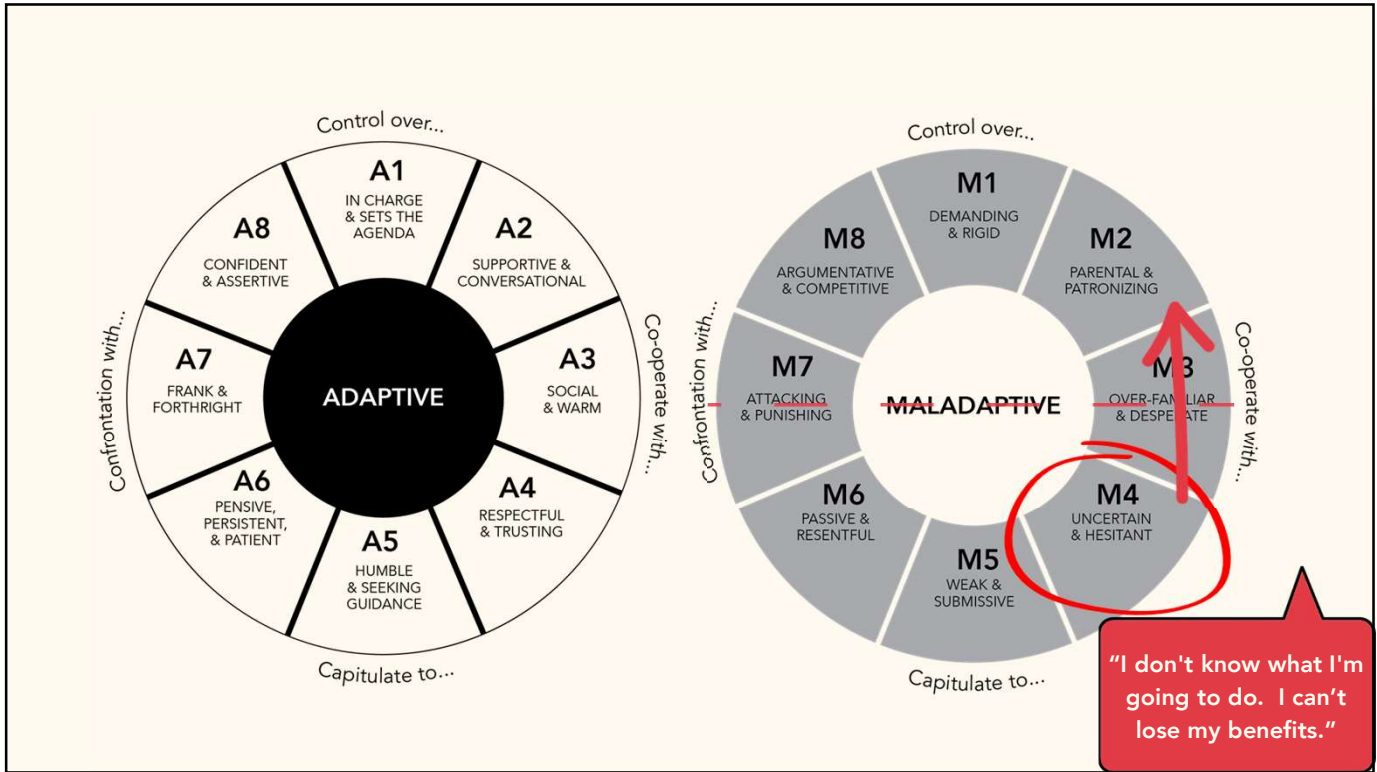
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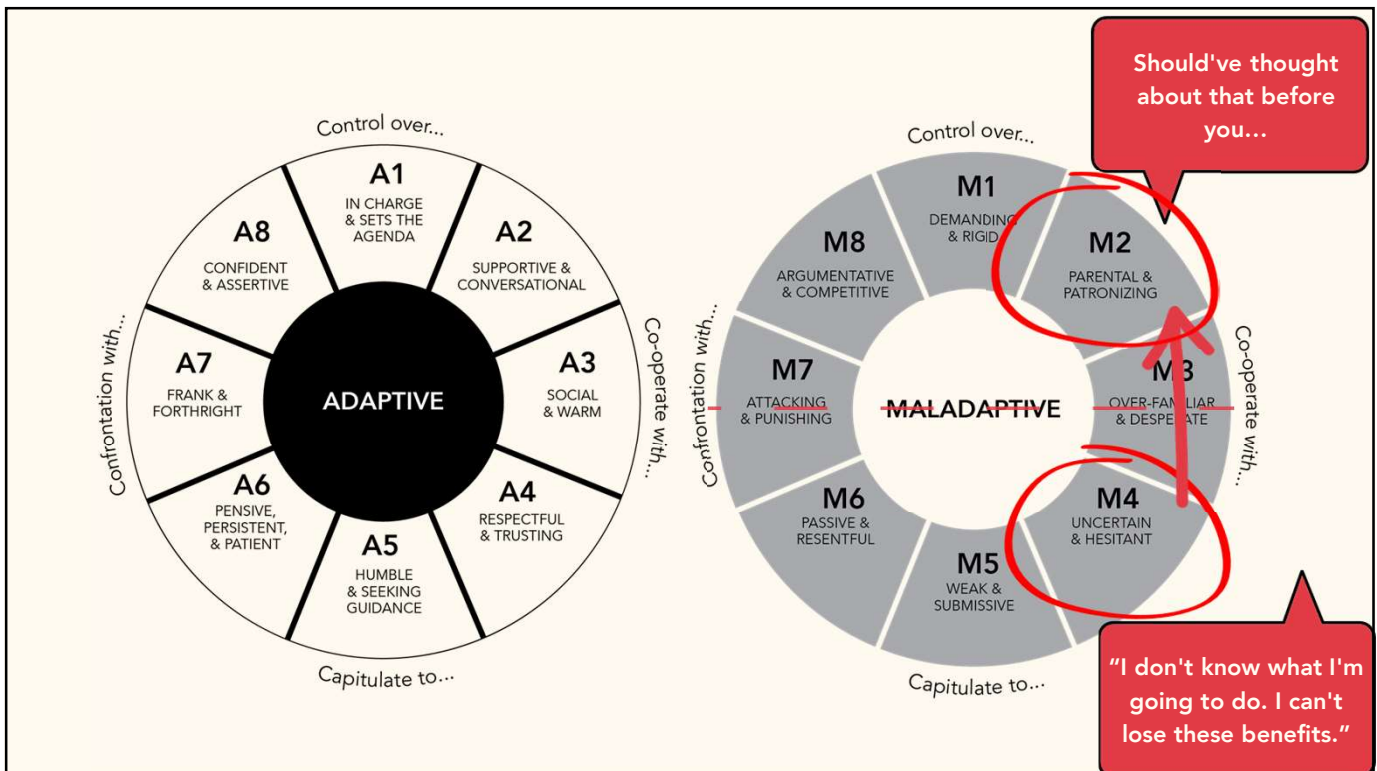
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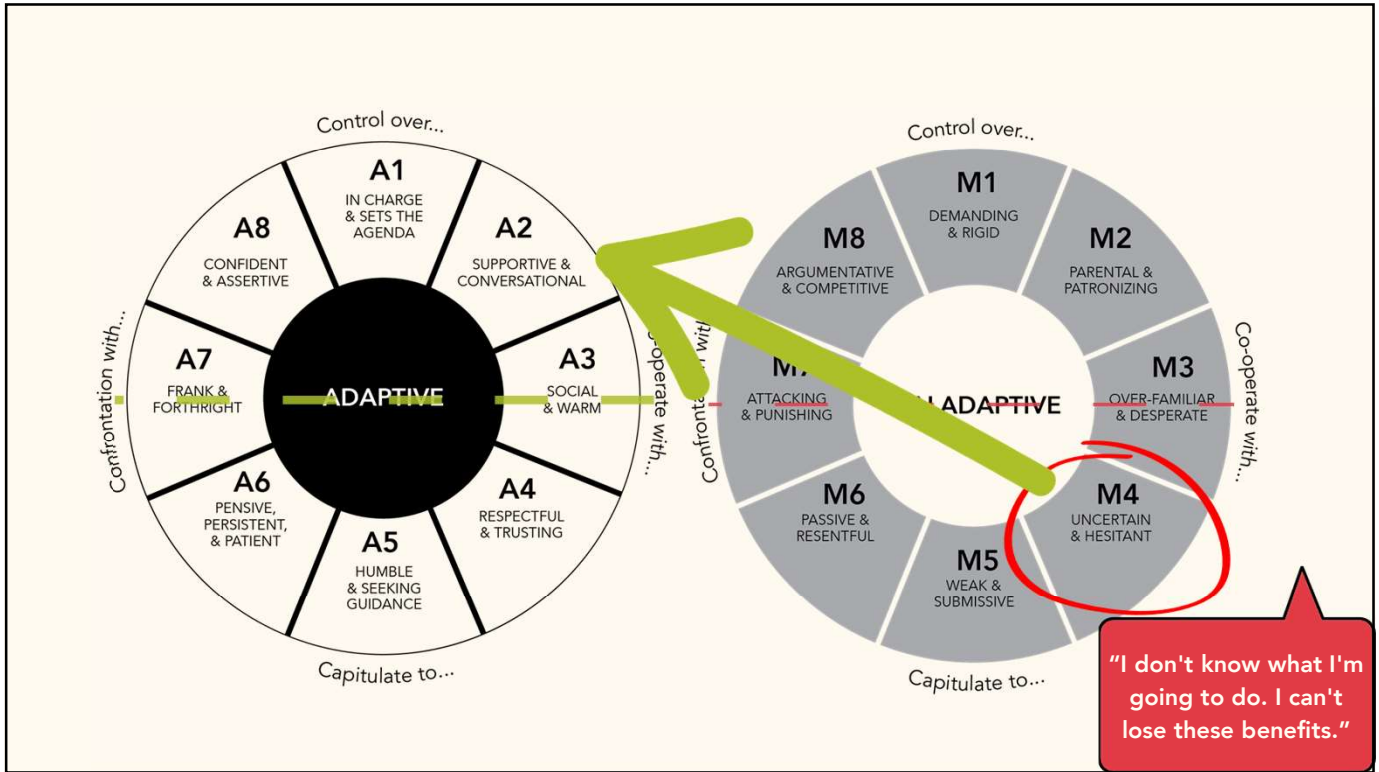
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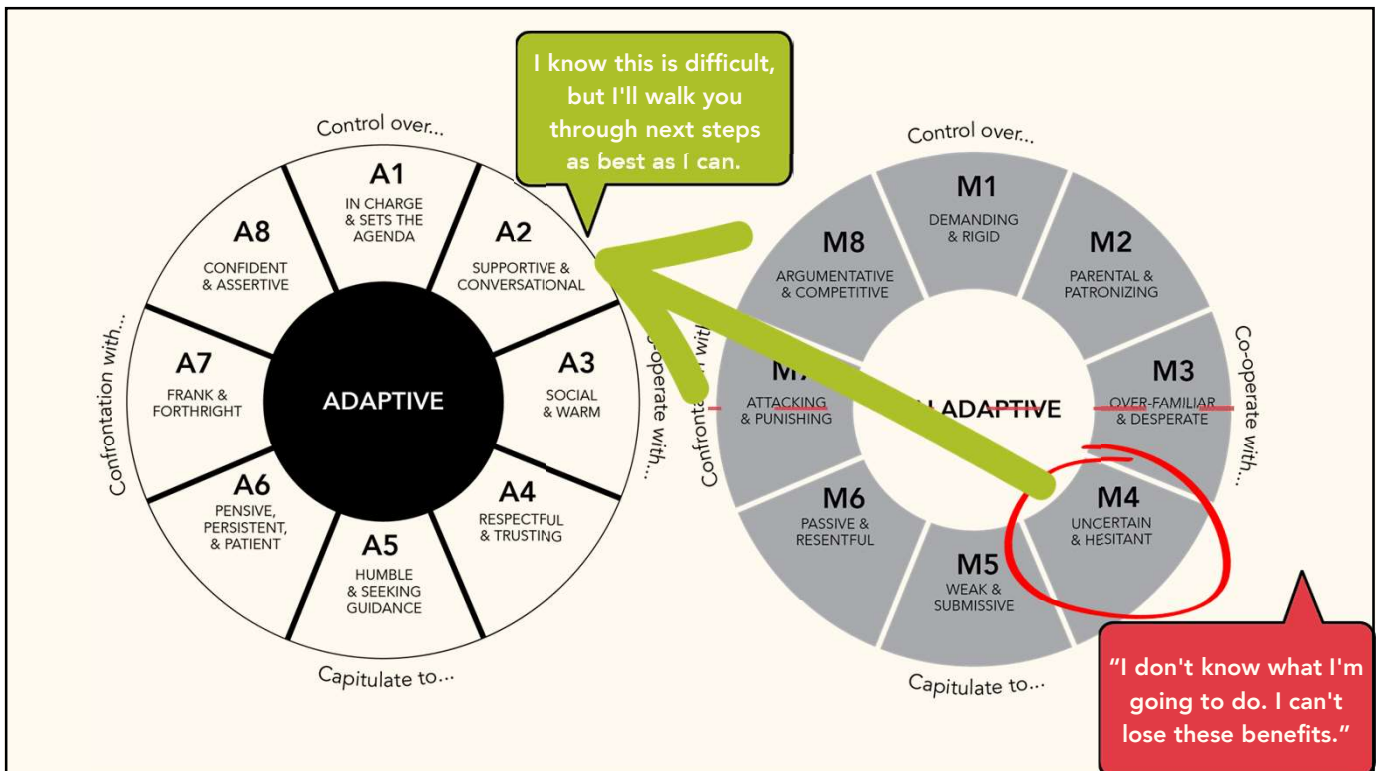
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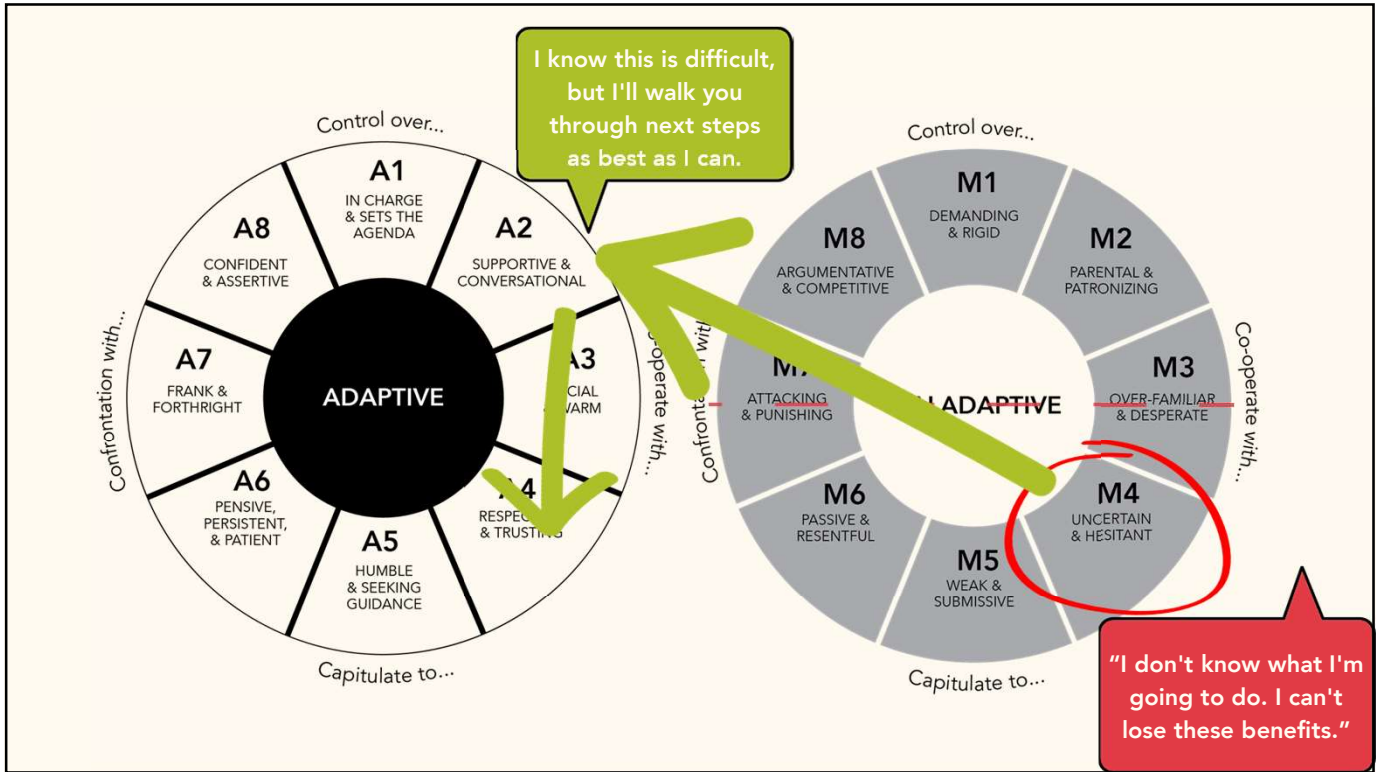
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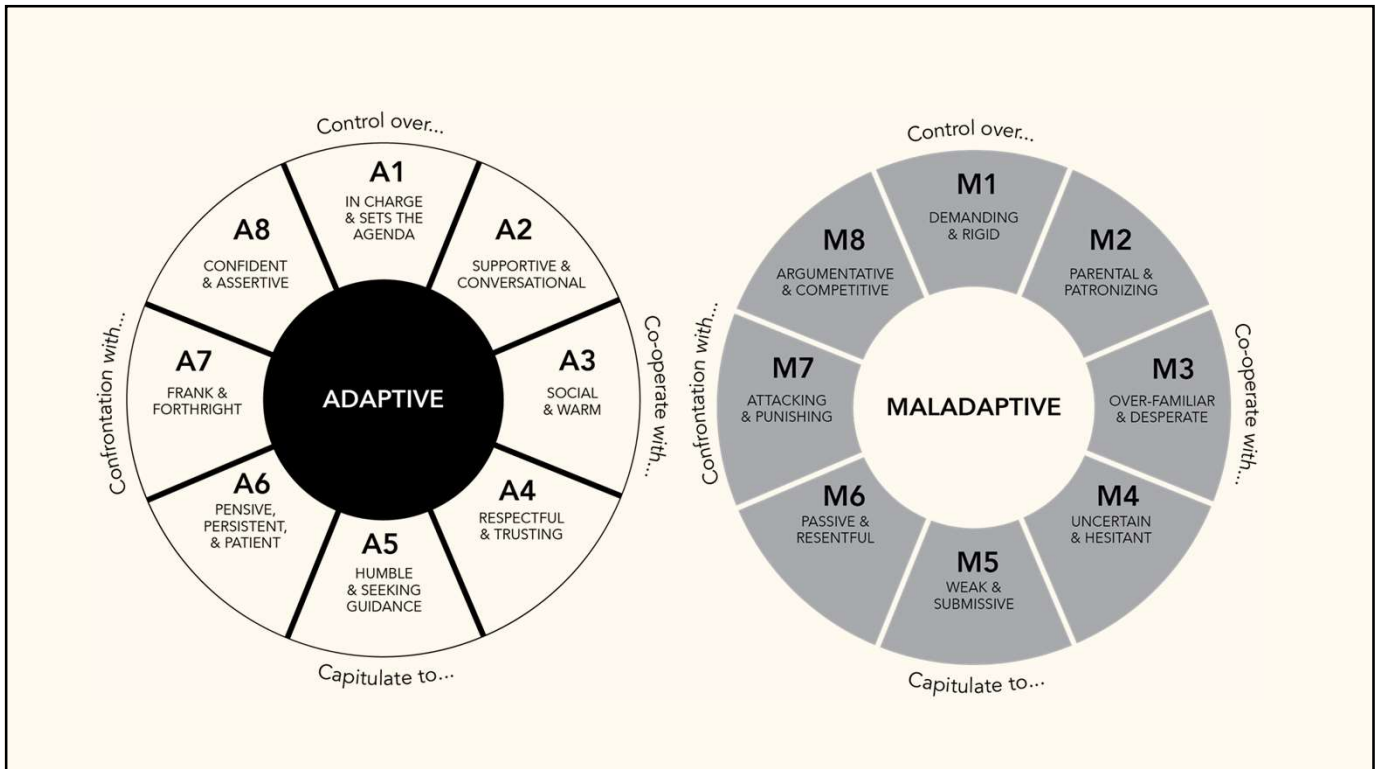
61



62



63



64

MIRROR, MIRROR...



**ADAPTIVE
COMMUNICATION**
-
**ENCOURAGES
ADAPTIVE
RESPONSES**



**MALADAPTIVE
COMMUNICATION**
-
**ENCOURAGES
MALADAPTIVE
RESPONSES**

65

Maladaptive Communication and Emotions



Threats trigger "flight or fight"



"Fight or flight" increases irrational, emotional REACTIONS and decreases rational, intentional RESPONSES



HIGH emotions = LOW quality of response



Time to "rewire"



66

Emotional Intelligence and Resistance



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Emotional Intelligence is...

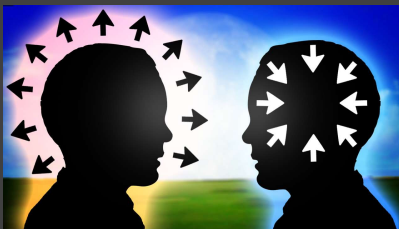
...the ability to manage the impact of our emotions on our relationships with others.

...using sound interpersonal skills to create positive relationships.

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Key Components of EI



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Cognitive Intelligence (Introspection):

- Thinking rationally
- Acting with purpose
- Manage your environment

Social Intelligence (Extrospection):

- Understand people
- Manage situations
- Be aware of and understand yourself
- Manage relationships
- Understand the emotional content of behavior

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68

It's All in How You Ask it: Question Strategy and Framing



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learning objectives

- Identify the benefits of using the "funnel" questioning approach
- Discuss the types of questions that should be avoided during an interview
- Review effective note-taking strategies and discuss "story segmentation"
- Demonstrate how to effectively create and communicate a "challenge" question during an interview



70

Bad questions = Minimal Information

- Where did you go?
- How long did you stay?
- Who did you go with?
- Was the weather nice?
- How long was the flight?
- Did you have a good time?
- Was it your 1st time there?
- Was the food good?
- Would you go there again?
- What airline did you take?
- What hotel did you stay at?
- Was there a lot of people?
- Was it beautiful?
- Was it expensive?

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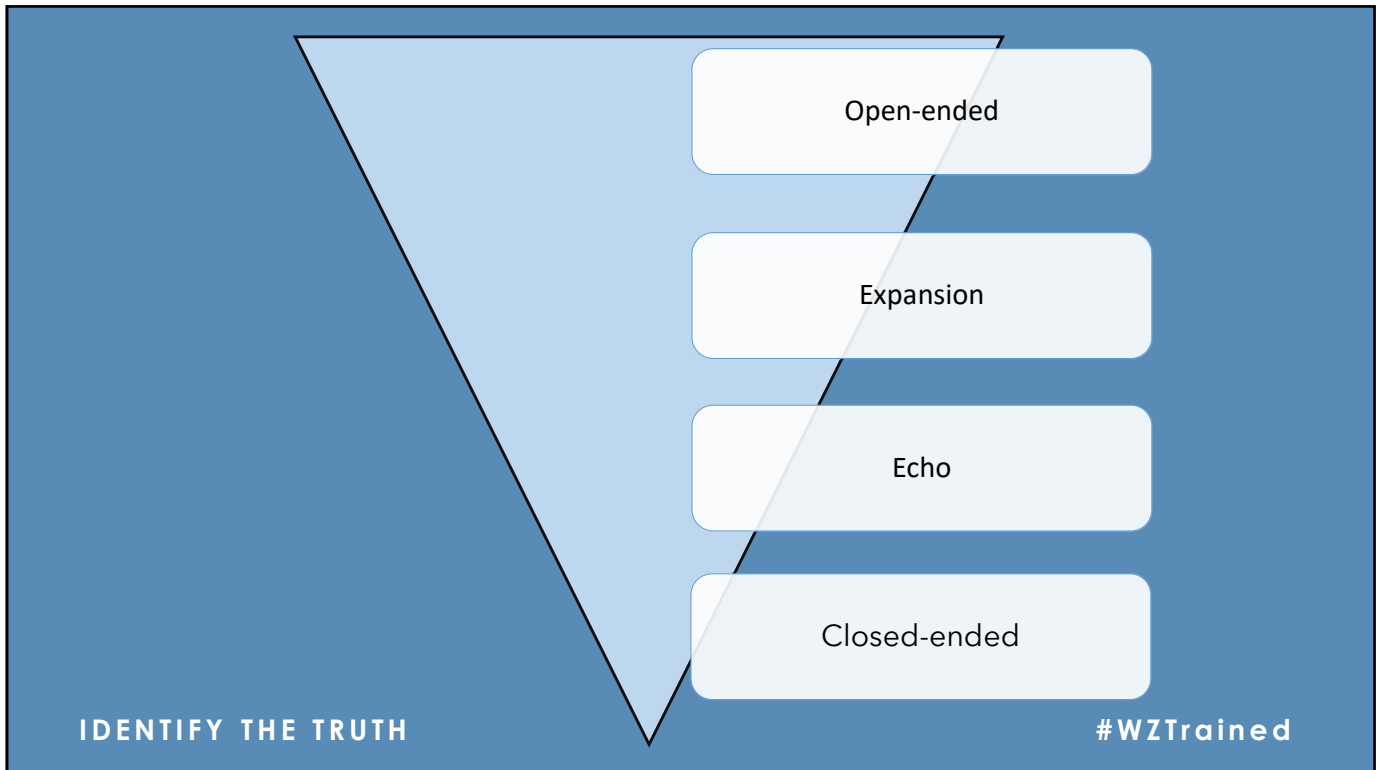
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Types of Questions (PAGE 5-4)

- Open-ended
“Could you tell me about the conversation with your co-worker yesterday?”
- Expansion
“You said he seemed agitated, tell me more about what happened during that time?”
- Echo
“What do you mean by agitated?”
- Closed ended
“How long did the conversation last?”



72



73

Note-Taking – Long-handed “Narrative” notes



Dave admitted to taking \$100 from Register 3 on Tuesday. Used it to purchase cologne. Dave said he doesn't remember how much the cologne was. Three other cast saw him do it. He took merchandise 3 times over the last month. He doesn't have the merchandise anymore. He asked for a water break at 4:45pm and left the room. Dave returned at 4:50pm.

He thinks the cologne was Dior. He said he knows other people are stealing too but doesn't know their names. Said he forced Brent to get involved as well. The merchandise was two sets of lashes and beard oil.

74



Note-Taking – Short-handed

Open-Ended	Expansion	Echo / CE
-Solo trip?	- last minute/GF couldn't get off work	
-Travel?	-AA to bangor, train from bangor to BH. No rentals available	
-Airbnb	Owned by local - made restaurant rec	
-Food night 1	-Local dive w/great music and seafood (name?)	- Drunken Goat
-"great people"	-Married couple in mid-50's. Met at bar near boat cruise spot	

75

Types of Questions to Avoid

**Rapid-Fire
Closed Ended
Questions** *When did he leave?*
Where did he go?
Who was with him?

**Leading
Questions** *He has several similar businesses, right?*
You hit her 3 times in the arm?
You have 3 other people living in your home with you?

**Compound
Questions** *When did your daughter move out and how many times have you falsely reported her as an active dependent?*
How many times have you received a pay increase and how much money have you earned in the last 2 years?

76



Let's Practice...

“Story Segmentation”



77

Untainted Story - Lochte

We got pulled over, in the taxi, and these guys came out with a badge, a police badge, no lights, no nothing just a police badge and they pulled us over. They pulled out their guns, they told the other swimmers to get down on the ground — they got down on the ground. I refused, I was like we didn't do anything wrong, so — I'm not getting down on the ground. And then the guy pulled out his gun, he cocked it, put it to my forehead and he said, 'Get down,' and I put my hands up, I was like 'whatever.' He took our money, he took my wallet — he left my cell phone, he left my credentials

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Create Time Line

- A We got pulled over, in the taxi, and these guys came out with a badge, a police badge, no nothing just a police badge and they pulled us over.
- B They pulled out their guns, they told the other swimmers to get down on the ground — they got down on the ground.
- C I refused, I was like we didn't do anything wrong, so — I'm not getting down on the ground. And then the guy pulled out his gun, he cocked it, put it to my forehead and he said, 'Get down,' and I put my hands up, I was like 'whatever.'
- D He took our money, he took my wallet — he left my cell phone, he left my credentials

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Case A - Unreported Income

"I mean, that's not what I was told. My understanding was I needed to report income only if it met a certain amount. I've been collecting these benefits on and off for most of my life, I think I know how the system works, man. I'm not even making as much as I should be—I need every penny I can get."

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Case A - Unreported Income

"I mean, that's not what I was told. My understanding was I needed to report income only if it met a certain amount. I've been collecting these benefits on and off for most of my life. I think I know how the system works, man. I'm not even making as much as I should be—I need every penny I can get."

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Case B - Interviewing a Neighbor

"Listen, she specifically asked me not to talk to you people. You seem nice and all but from what she tells me, you guys just won't cut her a break. She's just trying to provide what she can for her son's, while she can. She is the hardest working person I know. I complain about working 1 job, she's out there juggling 3-4 gigs—cut her some slack."

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Case B - Interviewing a Neighbor

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What is a Challenge Question?

- Based on realistic evidence
- Use in the future tense
 - **Good:** "If I was to conduct surveillance of your day-to-day, that I would see you working another job..."
 - **Bad:** "Listen, I already monitored your activity and I know..."



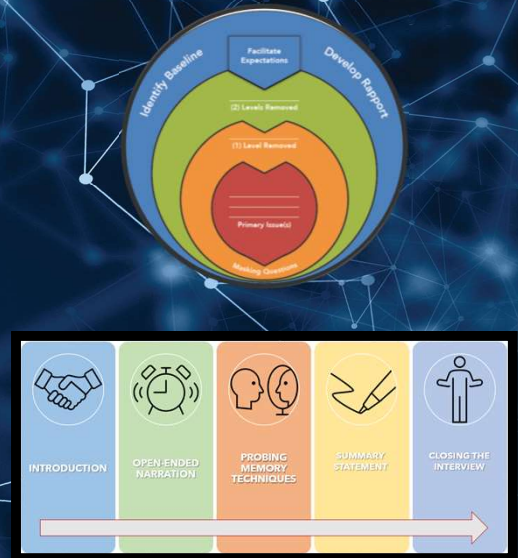
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Let's Talk Strategy: The Participatory and Cognitive Interviews



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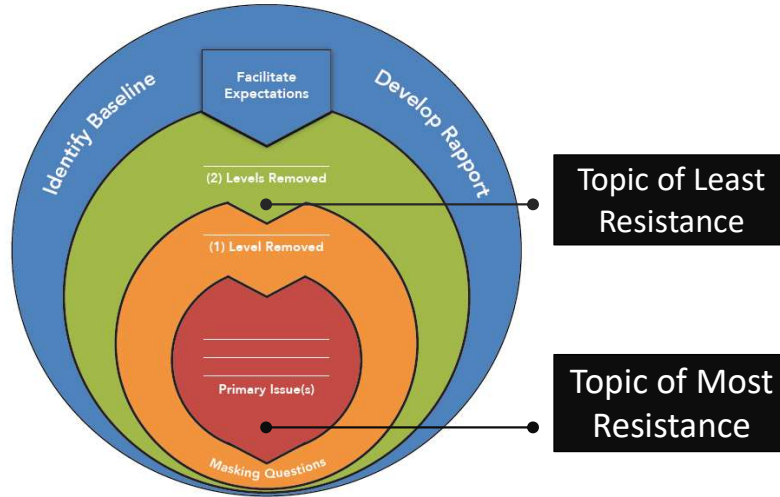
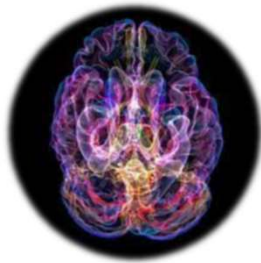
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learning objectives

- Discuss the purpose of when to use the participatory interview
- Demonstrate the strategy of building a participatory approach
- Discuss the options available to the interviewer at the conclusion of the participatory interview
- Discuss the purpose and breakdown of the Cognitive Interview
- Identify the 5 steps of the CI
- Demonstrate how to use CI principles in a case study review



86



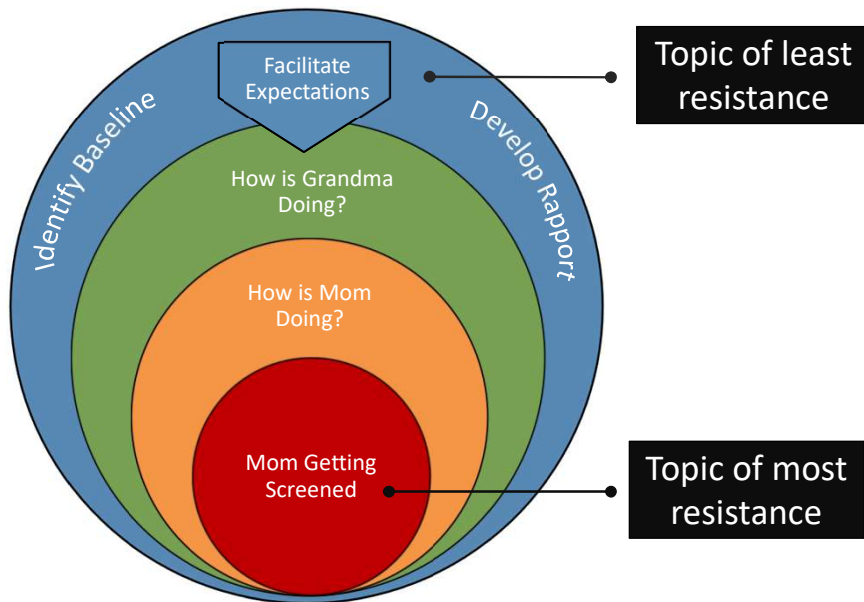
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Strategize the Interview



88

Case Study: Inappropriate Communication



Issue:

You receive a tip via the hotline that one of your direct reports has been leaving sexually explicit voicemails on a co-worker's personal cellphone.

- You confirm the VM's were sent via suspects work cellphone
- During review of the suspects work email/cellphone, you uncover multiple emails (some deleted) and text messages that are also sexually explicit in nature

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Finding the Primary Issue - Identify Excuses/Explanations

- Reaction if directly confronted
- Plausible deniability
- Possible true reason
- Reasonable explanations

Possible Subject Explanations	Elimination Questions
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<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

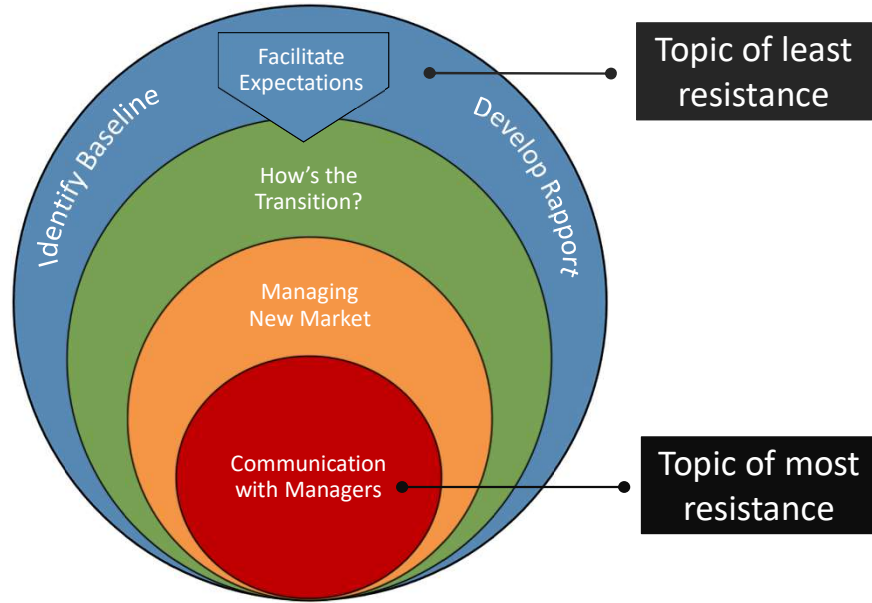
*"It was consensual
 "She gave me her phone number
 "It wasn't me, someone must have used my phone
 "I was joking"*

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Operation: Inappropriate Communication



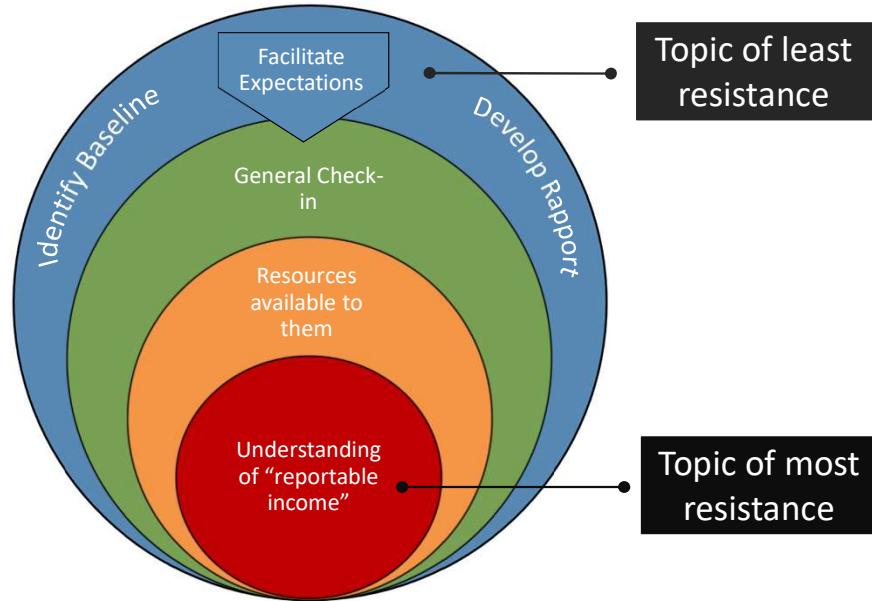
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It can work on any type of investigation

- People may fail to report side-jobs
- Another adult in the household
- Dependents have moved out
- Income levels haven't been updated
- Resell benefits or food stamps to others
- Collecting on benefits from deceased

92

Operation: Failure to Report Job



93



The Cognitive Interview

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94

Structure of an Interview

STANDARD

Rapport

Narrative Report
Specific Questions

Review
Closure

Fact – Gathering / Cognitive

Rapport

Interview Prep. Instructions.
Reinstate Context
Be Complete

Narrative Report
Specific Questions

Reverse Order
Change Perspectives

Review
Closure

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95

Sequence of the Interview

Divided into five sections:

1. **Introduction**
2. **Open-ended Narration**
3. **Probing Memory Scenes**
4. **Reviewing the Interview**
5. **Closing the Interview**

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96

Introduction

1. Biographical
2. Rapport
3. Instructions
 - a) Report everything
 - b) Recall in a variety of orders
 - c) Unknown information
 - d) Build teamwork

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97

Rapport Building

- The development of rapport is essential for a good interview.
- It is particularly important when interviewing anxious or traumatized persons.
- Maintain eye contact at this stage, show interest and active listening



Introduction

98

Report Everything

- Most people are not used to providing complete details when describing an event to someone else.
- Up front, encourage the applicant to describe **everything** that comes to mind as soon as they think of it, **whether it seems trivial, out of place, or inconsistent.**



Introduction

99

Recall in a Variety of Orders

- If applicants are asked about an event multiple times, it may give the perception of disbelief
- May ask a question several times, or in different ways
- Intent is to elicit as many details as possible
- Does not mean I don't believe you



Introduction

100

Build Teamwork

- Transfer control to applicant when describing an event
- The applicant has the needed information in their memory.
- Therefore, encourage an active, voluntary style of communication (applicant centered) rather than passive responding (interviewer centered).



Introduction

101

Sequence of the Interview

The CI is divided into five sections:

- 1. Introduction**
- 2. Open-ended Narration**
 - Obtain untainted narrative – FUNNEL Questioning
- 3. Probing Memory Scenes**
- 4. Reviewing the Interview**
- 5. Closing the Interview**

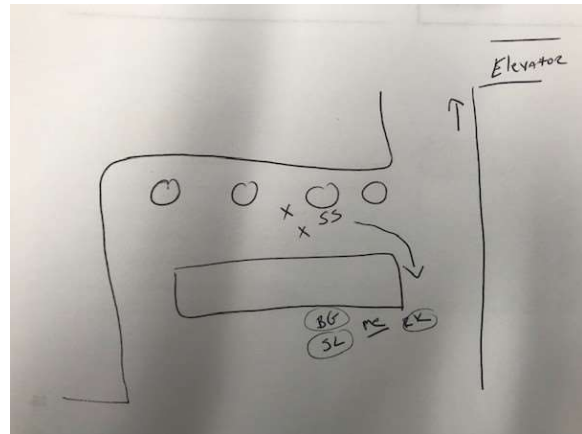
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102

Additional Questioning Methods

- Reverse Order
- Change of perspective
- Use of Diagrams
- Encourage multiple retrieval attempts
- Periodic review



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103

Case Study: Sexual Assault

- Open-ended
"Can you tell me what you can remember about the night in question?"

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104

Case Study: Sexual Assault

- Open-ended

“Can you tell me what you can remember about the night in question?”

“Well, we were having a great time at the networking event. I was drinking with the rest of the sales team and then Steve came over towards us. He leered at us for a while and then eventually walked over. He then took me to the elevator to go up to the party. I tried to leave and he told me I needed to stay. I felt so uncomfortable so I ran out of there.”

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Break Story into Timeline

A *“Well, we were having a great time at the networking event. I was drinking with the rest of the sales team and then Steve came over towards us.*

B *He **leered** at us for a while and then **eventually** walked over.*

C *He then **took me** to the elevator to go up to the party.*

D *I **tried to leave** and he **told me** I needed to stay.*

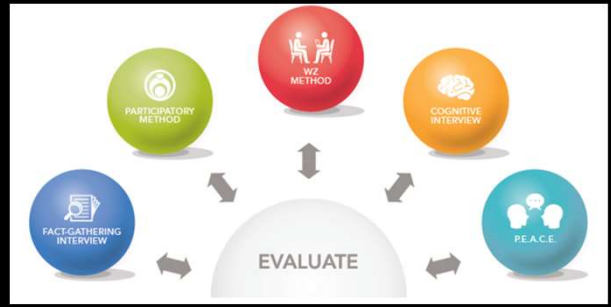
E *I **felt so uncomfortable** so I **ran out of there.**”*

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106

More. Options.



107