Interviewing and Investigation
Smart Talk

Denise Kindschi Gosselin
Professor Emerita, Criminal Justice and Sociology
Western New England University
Dedicated to Cynthia & Jeffrey Schneider, with love and friendship.
Life is a daring adventure to share and enjoy, made even better with family.
BRIEF CONTENTS

PART I  LAYING THE GROUNDWORK FOR SUCCESS  1

  Chapter 1  Interviewing and Interrogation  3
  Chapter 2  The Interview Process  19
  Chapter 3  Investigative Interviewing  34

PART II  METHODS AND TECHNIQUES  51

  Chapter 4  Unstructured and Structured Interviewing with Online Application and Scan  53
  Chapter 5  Memory Enhanced and Retrieval Interviewing  70
  Chapter 6  Principles to Detect Deception  89

PART III  INTERVIEWING SPECIAL POPULATIONS  109

  Chapter 7  Trauma-Informed Victim Approach  111
  Chapter 8  Interviewing Children  127
  Chapter 9  Interviewing Older Adults  151
  Chapter 10  Interviewing Persons with Disabilities and Mental Illness  170

PART IV  INTERROGATION  191

  Chapter 11  The Interrogation Process and the Law  193
  Chapter 12  Confessions in a Justice Context  211
  Chapter 13  Techniques for Interrogation  233
  Chapter 14  Juvenile Rights and Interviewer Responsibilities  253
CONTENTS

Preface xvii
Acknowledgments xx
About the Author xxi

PART I LAYING THE GROUNDWORK FOR SUCCESS 1

CHAPTER 1 INTERVIEWING AND INTERROGATION 3
Chapter Objectives 4
Key Terms 4
Introduction 4
The Sources of Investigative Interviewing 6
  Victims 6
  Witnesses 7
  Suspects 9
  Cyber Informants 9
The Nature of Interrogation 10
  Interrogation Controversy 12
Purpose of the Interrogation 12
Personal Qualities of the Interviewer 13
  Willing to Develop Rapport 14
  Knowledgeable 15
  Professional 15
Communicating 15
  Kinesics 16
Conclusions 17 • Questions for Review 17 • References 18

CHAPTER 2 THE INTERVIEW PROCESS 19
Chapter Objectives 20
Key Terms 20
Introduction 20
Phase I: Interview Preparation 21
  Case Review 22
  Determine Prior Criminal Record 23
  Viewing the Scene 23
  Misinformation 24
Phase II: Establishment of the Psychological Content 25
  When Should the Questioning Occur? 26
  Where Should the Questioning Occur? 26
  When in the Police Station or an Office 27
Phase III: The Questioning  28
The Order of Interviews  28
Types of Questions  28
Determining an Approach  31
Conclusions  32  •  Questions for Review  32  •  References  33

CHAPTER 3  INVESTIGATIVE INTERVIEWING  34
Chapter Objectives  35
Key Terms  35
Introduction  35
Communicating through Social Media  36
Components of Persuasive Interviewing  37
Active Listening  37
Rapport Development  39
The Goal of Persuasive Interviewing  39
The Nature of the Offense  40
Was a Crime Committed?  41
Eyewitness Identification Evidence  43
Identification Procedures  45
Showup Identification  46
Photo and Live Lineups  46
Assessing the Accuracy of a Statement  48
Conclusions  48  •  Questions for Review  49  •  References  49

PART II  METHODS AND TECHNIQUES  51

CHAPTER 4  UNSTRUCTURED AND STRUCTURED INTERVIEWING WITH ONLINE APPLICATION AND SCAN  53
Chapter Objectives  54
Key Terms  54
Introduction  54
Identifying the Sources  55
Group Interviewing  56
Guidelines for the Unstructured Interviewing Approach  56
What?  57
Who?  58
When?  58
Where?  59
Why?  59
How?  60
What Is Structured Interviewing?  61
Steps for Structured Interviewing  61
Step One: Build Rapport  62
<table>
<thead>
<tr>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>ix</td>
</tr>
</tbody>
</table>

| Step Two: Encourage Participation | 62 |
| Step Three: Review the Statement | 63 |
| **Scientific Content Analysis (SCAN)** | 64 |
| Conclusions | 67 • Questions for Review | 68 • References | 68 |

| CHAPTER 5 MEMORY ENHANCED AND RETRIEVAL INTERVIEWING | 70 |
| Chapter Objectives | 71 |
| Key Terms | 71 |
| **Introduction** | 71 |
| What Is Hypnosis? | 72 |
| **Forensic Hypnosis Interviewing Methods** | 72 |
| Guidelines for the Use of Forensic Hypnosis | 72 |
| **Challenges to Hypnotic Memory Retrieval** | 73 |
| Memory Hardening and Suggestibility | 74 |
| Hypnosis Evidence in Court | 74 |
| What Is Cognitive Interviewing? | 75 |
| **Cognitive Interviewing Techniques** | 76 |
| Mnemonics | 76 |
| Reconstruction Technique | 78 |
| Reporting-Everything Technique | 78 |
| Changing the Order of Events | 78 |
| Changing the Perspective | 78 |
| Additional Memory-Jogging Techniques | 78 |
| **Steps of the Cognitive Interview Method** | 79 |
| Step One: Meet and Greet | 79 |
| Step Two: Narrative Phases | 80 |
| Step Three: Extensive Recall through Mnemonics | 80 |
| Step Four: Summary and Closure | 81 |
| **Challenges to Memory Retrieval** | 81 |
| Contamination | 81 |
| **What Is Differential Recall Enhancement?** | 81 |
| Assessment Criteria Indicative of Deception (ACID) | 82 |
| Cognitive Load Approach | 83 |
| Strategic Use of Evidence (SUE) | 84 |
| **Tactical Interviewing** | 85 |
| Conclusions | 86 • Questions for Review | 86 • References | 87 |

| CHAPTER 6 PRINCIPLES TO DETECT DECEPTION | 89 |
| Chapter Objectives | 90 |
| Key Terms | 90 |
| **Introduction** | 90 |
| Why Do Investigators Care about Deceit? | 91 |
| Detecting Deceit | 91 |
## Contents

The Enhanced Cognitive Interview 120
The Forensic Experiential Trauma Interview (FETI) 121
Comparing the ECI and FETI 123
The Victim as a Witness 123
Empowering the Victim 124
Crime Perpetrated by Victims 124

Conclusions 125 • Questions for Review 125 • References 126

### Chapter 8 Interviewing Children 127

Chapter Objectives 128
Key Terms 128
Introduction 128
Child Development Stages 129
Age-Related Limitations on Reporting 129
Field Assessment 131
Initial Considerations for Child Interviews 131
Step 1: Risk Assessment 131
Step 2: Preliminary Considerations 133
Step 3: Remaining Neutral 133
What Is the Forensic Approach to Child Interviewing? 135
Forensic Interviewing Techniques 136
Phase I: Caretaker Instructions 136
Phase II: Evaluation 137
Phase III: Preparing the Child 137
Phase IV: Establishing Rapport 137
Phase V: Conducting the Interview 138
What Is the DNE Interview? 138
What Is the Nichd Investigative Protocol? 139
What Is the Cognitive Approach to Interviewing Children? 140
Cognitive Interviewing Techniques 140
Caretaker Instructions 140
Practice Interview 140
Establishing Rapport: Cognitive Interview Step 1 141
Reconstruction and Reporting Everything: Cognitive Interview Step 2 142
Changing the Order and Perspective: Cognitive Interview Step 3 142
The Child as Reporter 143
Accuracy 143
Memory and Fantasy 143
The Child as Victim 144
Tools for Interviewing Children 144
Bolstering Credibility through Evidence 145
Determining Competency 147
Conclusions 148 • Questions For Review 149 • References 149

CHAPTER 9 INTERVIEWING OLDER ADULTS 151
Chapter Objectives 152
Key Terms 152
Introduction 152
Crimes Targeting the Older Adult 153
Elder Abuse 153
Financial Abuse 155
Legal Considerations 156
Mandatory Elder Abuse Reporting 156
The Older Person 157
The Preinterview 157
Conducting the Interview 160
Step 1: Preparing for the Interview 160
Step 2: Establishing Rapport 161
Step 3: Conducting the Interview 161
Step 4: Ending the Interview 161
Step 5: Following Up 162
Empowering the Older Victim 162
Older Adults as Witnesses 162
Physical Limitations 163
Cognitive Impairment 165
Concerns due to Dependence 165
Elder Abuse Multidisciplinary Team Approach 166
Conclusions 167 • Questions for Review 167 • References 168

CHAPTER 10 INTERVIEWING PERSONS WITH DISABILITIES AND MENTAL ILLNESS 170
Chapter Objectives 171
Key Terms 171
Introduction 171
The Americans with Disabilities Act 172
Accommodations for Interviewing 172
Police Liability under the ADA 173
Initial Considerations 174
Identifying When Special Care Is Necessary 174
Intellectual Disability 176
Attention Deficit-Hyperactivity Disorder 176
Autism Spectrum Disorder 177
Mental Disorders 177
  Inmates with Mental Illness 178
  Violence and Mental Disorders 180
Field Evaluation 181
Victimization of Vulnerable Individuals 181
  Legal Issues 182
The Interview Process 183
  Step 1: Prepare 183
  Step 2: Establish Rapport 184
  Step 3: Conducting the Interview 184
Interrogation Considerations 186
  False Confessions 186
    Conclusions 188 • Questions for Review 188 • References 189

PART IV INTERROGATION 191

Chapter 11 The Interrogation Process and the Law 193
  Chapter Objectives 194
  Key Terms 194
  Introduction 194
  Fifth Amendment Considerations 195
  The Miranda Standard 195
    When Are the Miranda Warnings Required? 196
    When Is a Waiver of Miranda Rights Valid? 197
    Right to Counsel under Miranda 199
  Sixth Amendment Considerations 200
  Fourteenth Amendment Considerations 201
    The Exclusionary Rule 201
  Fourth Amendment Considerations 204
    Probable Cause 205
      Conclusions 208 • Questions for Review 208 • References 209

Chapter 12 Confessions in a Justice Context 211
  Chapter Objectives 212
  Key Terms 212
  Introduction 212
  What Is an Interrogation? 213
  Since Miranda 213
    Shortcomings of Miranda 214
  Factors in False Convictions 216
    What Have We Learned? 216
    Factors in False Confessions 217
Promising Practices 218
- Conviction Integrity Units 219
- Electronic Recording of Suspect Interviews 219
- Science-Based Eyewitness Identification 220

Improving Interrogations 221

Case-Specific Methods of Interrogation 221
- Child Pornography Cases 223
- Child Sexual Assault 224
- Hate Crimes 225
- Homicide 225
- Sexual Assault Cases 226

What Is Not an Interrogation? 227
- A Stop and Frisk 228
- Traffic Stop 229
- Sobriety Testing 229

Truth and Consequences 229

Conclusions 230 • Questions for Review 230 • References 231

CHAPTER 13 TECHNIQUES FOR INTERROGATION 233

Chapter Objectives 234
Key Terms 234

Introduction 234

Complementarity Principle 234

Purpose of Conducting an Interrogation 235

Interrogation Approach 236
  - Noncustodial Interrogation Situation 238
  - Custodial Interrogation Situation 238

Reid Technique 239

Peace Model 241

Human Intelligence Gathering 242
  - General Confession-Eliciting Models 243

Interrogation Phase I: Preparing 244
  - Step One: Know the Case 244
  - Step Two: Determine the Prior Record 245
  - Step Three: View the Scene 245
  - Step Four: Establish the Timing 245
  - Step Five: Determine Who Will Conduct the Interrogation 246

Interrogation Phase II: Developing Outcome-Based Tactics 248

Interrogation Phase III: Obtaining the Confession 249
  - Step One: Make the Claim 249
Step Two: Lock It In 249
Conclusions 250 • Questions for Review 251 • References 251

CHAPTER 14 JUVENILE RIGHTS AND INTERVIEWER RESPONSIBILITIES 253
Chapter Objectives 254
Key Terms 254
Introduction 254
Who Is a Juvenile? 255
Age of Criminal Responsibility 255
Juvenile Offending 255
Juvenile Delinquency 256
Due Process and the Juvenile 257
Questioning a Juvenile Not in Custody 259
Protective Custody of Juveniles 261
Interrogation of Juveniles 261
Custody Determination 263
Miranda Warnings 263
Prompt Presentation 264
Fourth Amendment Considerations 264
Fifth Amendment Considerations 265
The Right to Counsel 265
Delinquent Behaviors 266
Juvenile Fire Setting 266
Sexual Offending 268
Conclusions 270 • Questions for Review 270 • References 271

Index 273
PREFACE

NEW TO THIS EDITION

All chapters have been updated to include the most current methods of interviewing and interrogation.

- To address the changing use of technology, new to chapter 1 is a discussion on cyber informants as a source of investigative interviewing.
- Cutting edge communication styles are included in Chapter 3 with a new section on Communicating Through Social Media.
- Continuing with the emphasis on technology, is a new discussion of online interviewing in Chapter 4 as a form of structured interviewing. Acknowledging the changing criminal justice environment for interviewing, added to chapter 4 is a new section on Group Interviewing. The addition should stimulate conversations on those situations where single person interviewing is not feasible. The Scientific Content Analysis (SCAN) approach to eliciting information is a newly included method to detect deceit through statement analysis.
- New to Chapter 5 are multiple interviewing methods under the category of Differential Recall Enhancement (DRE). DRE methods have been assigned significant credibility for interviewing purposes. These include the Assessment Criteria Indicative of Deception (ACID), the cognitive load approach, Strategic Use of Evidence (SUE) and tactical interviewing.
- New to chapter 6 are Reality Monitoring (RM) and Criteria Based Content Analysis (CBCA) which have emerged as scientifically valid methods of detecting deceit using the verbal cues in an interview.
- New to this second edition is an entire chapter devoted to Victim Informed Interviewing. The new Chapter 7 discusses the Trauma Informed Victim Approach, with suggestions on communicating with high-risk victim populations. Students will learn of the crimes involving trafficking in persons. The Enhanced Cognitive Interview and Forensic Experiential Trauma Interview are compared.
- Improvements in recent years for interviewing children is attributed to an interview protocol known as the National Institute of Child Health and Human Development (NICD) method, which is new to chapter 8.
- Chapter 12 has been expanded to include a new discussion on the shortcomings of Miranda and Factors in False Confessions.
- Numerous confession-eliciting models are outlined in chapter 13 along with new sections on the Reid technique, PEACE model, and HUMINT.

For 8 years I served the Massachusetts State Police as a trooper assigned to the Detective Unit of the Hampden and Hampshire County District Attorneys’ Offices. As a member of the unit my duties included the investigation of major crimes, including homicide, bank robbery, rape, fraud, embezzlement, and larceny, as well as suicides and unattended deaths. I specialized in the investigation of crimes against women and children, particularly children. My additional duties included the rendition of fugitives, protection of state witnesses, and preparation and execution of warrants. During those years I also participated in surveillance, undercover investigations, and narcotics raids. It was my practice in each case in which I was the lead investigator to question every suspected perpetrator, no matter how minor or significant the case appeared.

In all of these duties as well as in police work on the road, I found that communication was the most important ingredient for a successful investigation. A person’s professionalism is judged by his or her ability to communicate effectively within the discipline. Proficiency
at interviewing and interrogating did not come naturally to me; it was not intuitive. I attended many seminars and training sessions on how to interview and interrogate. The process took years of attention to improving these skills and gaining the knowledge required for proficiency. This training made a positive difference in the quality and quantity of information that I was able to gather from victims, witnesses, and perpetrators. The process was an enjoyable challenge to learning about human behavior. The information in this text is an introduction to the many approaches to both interviewing and interrogating. It contains the information that I found most helpful throughout my career.

When my career changed direction and I moved into academia, I discovered that each discipline had its own course in the methods of improving communication skills and thereby enhancing professionalism. Criminal justice was the exception; no colleges in my area offered a course on interviewing and interrogating. Although criminal justice professionals rely on their communication skills for every aspect of the job, there is a lack of educational tools for preparing for this discipline. This void brought about my desire to write this text. I hope that it will provide the basis for good communication skills for students in the criminal justice and related fields.

This book follows the course outline that I developed for my classroom. It was tested and improved over a period of years. It contains a comprehensive introduction to the major interviewing and interrogating methods along with the legal considerations involved in these approaches. Each chapter begins with an introduction that forms the basis for the material to follow. For some of these chapters the introduction contains theoretical background. This is a departure from other texts on interviewing and interrogating, and is not interwoven within the chapter itself. Some students will find it interesting, whereas others will prefer to skip the theory. Its purpose is to satisfy those students and instructors who want to know the theoretical background for the interviewing techniques.

New to this second edition is an entire chapter devoted to Victim Informed Interviewing. The new Chapter 7 discusses the Trauma Informed Victim Approach, with suggestions on communicating with high-risk victim populations. Students will learn of the crimes involving trafficking in persons. The Enhanced Cognitive Interview and Forensic Experiential Trauma Interview are compared.

All chapters have been updated with the most current methods of interviewing and interrogation. Chapter 1 provides a brief introduction to cyber informants as a source of investigative interviewing, followed up in Chapter 3 with using social media for communication and online interviewing in Chapter 4. Throughout this edition are updates on methods to detect deceit. SCAN, ACID, Increasing the Cognitive Load, SUE, and Tactical Interviewing are discussed. Verbal and nonverbal indicators of deception and Criteria-Based Content Analysis are new to this edition. DNE and NICHD methods for interviewing children are now in Chapter 8. Chapter 12 has been expanded to include a discussion on the shortcomings of Miranda and Factors in False Confessions. The Reid technique, PEACE model, and HUMINT have been added to Chapter 13.

Still, a major focus of the book is on interviewing special populations—children, older adults, and persons having a disability or mental illness. An added feature is an emphasis on sensitivity to juvenile interrogation and on interviewing victims of trauma.

INSTRUCTOR SUPPLEMENTS

Instructor’s Manual with Test Bank. Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.

TestGen. This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides
state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen’s random generator provides the option to display different text or calculated number values each time questions are used.

**PowerPoint Presentations.** Our presentations are clear and straightforward. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.

To access supplementary materials online, instructors need to request an instructor access code. Go to [www.pearsonhighered.com/irc](http://www.pearsonhighered.com/irc), where you can register for an instructor access code. Within 48 hours after registering, you will receive a confirming e-mail, including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

**ALTERNATE VERSIONS**

**eBooks.** This text is also available in multiple eBook formats. These are an exciting new choice for students looking to save money. As an alternative to purchasing the printed textbook, students can purchase an electronic version of the same content. With an eTextbook, students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or visit [www.mypearsonstore.com](http://www.mypearsonstore.com).
ACKNOWLEDGMENTS

My appreciation to the following reviewers for their helpful comments on the earlier drafts of these chapters:

- Dawn Vaughan
  Pitt Community College
- June Rogers
- Jo Ann Grode
  Mid-State Technical College
  Wisconsin Rapids, Wi
- Bruce Delphia
  ECPI Technical College
  Richmond, VA
- Carol Mathews
  Century College
  White Bear Lake, MN

I owe a special debt of gratitude to my friend and colleague Dawna Komorosky of California State University at Hayward, whose careful reading and suggestions early on contributed significantly to the first edition of the text and the Instructors Manual. I thank Patrick J. Faiella of Massasoit Community College, Canton, Massachusetts, who tirelessly read the manuscript and provided insight along with many of the end-of-chapter questions. To my friend and husband, Robert, thank you for your limitless ideas and unwavering support.

Finally, I also thank my friends, colleagues, and students at Western New England University, who encouraged and supported my efforts.
ABOUT THE AUTHOR

A pioneer in law enforcement, the author was the first uniformed female officer in her hometown, Lunenburg, Massachusetts, and the first female campus police officer at the community college she attended. The Massachusetts Senate honored her in 1978 as the first woman appointed constable for the City of Fitchburg. In 2011, Dr. Gosselin was named Alumna of the Year at Mt. Wachusett Community College where she now serves as a member on the Board of Trustees.

Denise graduated in the 61st Recruit Training Troop of the Massachusetts State Police in January 1980. During the years that followed she served as a uniformed officer performing route patrol activities, as an instructor at the Massachusetts State Police Academy, and as a detective in major crime investigations. Recognized as a local expert in child abuse investigation, she has spoken on cable television and radio. She appeared on the America's Most Wanted television show in connection with a fugitive in a case she was investigating. She has made many presentations at professional meetings with the Department of Social Services, Department of Mental Health, and Office of the District Attorney. She has testified in numerous major crime cases in both criminal and civil hearings.

Dr. Gosselin served as a faculty member and Department Chair in the Criminal Justice and Sociology Department at Western New England University until her retirement as Professor Emerita in 2017. Her other publications include Heavy Hands: An Introduction to the Crimes of Family Violence, currently in its sixth edition, and Crimes and Mental Disorders: The Criminal Justice Response. Dr. Gosselin has contributed to the Encyclopedia of Police Science, the Encyclopedia of Juvenile Justice, and the Encyclopedia of Domestic Violence, as well as chapters to Women, Law, & Social Control and Policing & Victims.

Denise is an experienced Criminal Justice Program Reviewer. Her major presentations and invited lectures have been at the 12th United Nations Congress on Crime and Criminal Justice in Salvador, Brazil; the Massachusetts State Police Academy, at West Point Military Academy, Campbell University, NC; and at Gwynedd-Mercy College, PA.

As a life-time member of the Academy of Criminal Justice Sciences (ACJS), Denise has served as Region One Trustee 2013–2016 and ACJS Trustee-at-Large 2009–2012. As a member of the Northeastern Association of Criminal Justice Sciences, she has served as President, Vice President, and Secretary. Dr. Gosselin is also a member of the European Society of Criminal Justice and is a co-founding member of the Everywoman Everywhere Workgroup, from the Harvard Kennedy School project of the International Commission on Violence Against Women and Girls.