

# Criminal interviews and interrogations



The importance of whether or not a criminal case is solvable depends upon the evidence obtained from the crime scene, witnesses, victims, and suspects. Many cases are never pursued or solved due to a lack of evidence retrieved during the interview and/or interrogation phase of a criminal investigation. One interview/interrogation technique is kinesics or the study of non-verbal body language. There are a variety of types of kinesics used. The use of kinesics techniques can be beneficial during criminal investigations by assisting an investigator to obtain information not voluntarily given by a victim, witness or suspect.

Kinesics is a commonly recognized tool and is a standard focus in enforcement training. Utilizing these techniques provide investigators another facet to assist them in either uncovering pertinent information or dismissing unnecessary testimony, and in some cases can save lives. In order for a criminal case to be pursued evidence is required to determine whether or not a crime has been committed. The first line of defense in pursuing evidence is to conduct interviews and possibly interrogations.

Interviews involve asking questions and listening to a victim or witness; whereas interrogations involve a suspect from which an investigator is trying to obtain a confession. An investigator can retrieve the most beneficial evidence by first identifying an individual's personality type, and then develop the best strategy to obtain information. (Atkinson, n. d. ) Building a rapport with a victim or witness puts them at ease and allows them to feel comfortable to share information – even if the information is personally embarrassing or difficult to discuss with a stranger. (Littky, n. d. )

For example, an investigator will want to appear understanding and patient when interviewing the victim of a violent crime; if that same investigator appears abrupt or uncaring the victim or witness may not be willing to discuss the details of the violent crime or worse, may not file charges against the offender. Likewise, witnesses may not be willing to volunteer information about what they heard, saw, or experienced to a complete stranger.

Efficient investigators learn how to adjust their interview style to retrieve the most pertinent information – kinesics is a valuable tool. Kinesics techniques can be valuable in both interviews and interrogations. Investigators that have learned or been trained to read the body language of a victim, witness, or suspect can quickly determine if someone is being truthful, deceptive, or evasive. Alternatively, investigators can use kinesics techniques to communicate their own non-verbal body language to guide an interview or control an interrogation.

When interrogating a person of interest, investigators can use kinesics to read deceptive behavior or cues and adjust or redirect their line of questioning accordingly. Kinesics is non-verbal behavior communicated through the movement of either a part of or the whole body (Com101, 2008). There are several types of kinesics: body language or posture, facial signals or micro expressions, gestures, and vocalics or paralanguage.

Nonverbal behavior is a form of communicating information through facial expressions, how a person stands/sits, gestures, tone of their voice, etc. (Navarro, 2008) Some of these “ tells” are easily learned from our exposure to them as early as childhood where some “ tells” may not be easily

recognized. For example, when someone lowers their chin to their chest, their eyes look at the floor, their feet are close together and they are holding one hand over the other but below hip level, we know this gesture is submissive, respectful, and possibly apologetic. Body language or posture are important because, aside from outward appearance, is usually the first impression others use to make an initial judgment about an individual.

For example, if an individual uncrosses their arms or legs and leans forward, their posture is communicating they are listening and interested in what is being said to them (Fortin, n. d. ). Investigators use this posture to feed the narcissistic need of some suspects in order to bait the suspect into continuing to talk. According to Humintell. com, micro expressions were discovered by E. A Haggard and K. S. Isaacs while they were examining videos of psychotherapy sessions for patients' body gestures.

Micro expressions are considered to be involuntary expressions of emotion that are not usually determinable to layman. (Micro expressions, n. d. ) Facial signals only last for a few seconds and are a deliberate concealment or repression of an emotion. Criminal investigators are both formally trained and also learn from routine exposure on how to read these micro expressions. For example, some people without formal training know that the social smile is less than genuine one in which the lips turn up or “ smile” but the eyes do not reflect the same (Interview with Paul Ekman, n. d).

Formally trained investigators would be able to ascertain while in an interrogation room, that same social smile shown in response to a series of accusatory questions and evidentiary statements is a precursor that their

suspect is about to stop talking and ask for their lawyer. Gestures can take a variety of forms but usually are used to replace or accentuate a spoken word, phrase, or message. For example, showing your open palms at the end of a statement reveals you are waiting for a verbal agreement or response from the listener(s) (Schwartz, 2010).

Criminal investigators will commonly use gestures to illicit responses to their questions as most people do in everyday conversations. Investigators have a greater chance of obtaining more information when they develop a non-confrontational rapport with a witness or victim. After an investigator is able to determine the baseline of someone's normal behavior, they will be able to read that person's facial expressions, body language, and vocalics. Vocalics or paralanguage refers not so much to what someone says as how they say it.

For example, increasing or decreasing the volume of someone's voice can relay that an individual is trying to show dominance or submissiveness (Loo, n. d. ). Anthropologist, Ray Birdwhistell is renowned as the founder of kinesics in the late 1950s. Since its recognition by mainstream society, kinesics has been used by law enforcement as a standard tool during interviews and interrogations. (Lipscomb, n. d. ) In the 1960s, Paul Ekman, a military psychologist, took kinesics to another level of research into non verbal communication. (Harod & Tobin, n. d. ) D. Glenn Foster, kinesics instructor for over 35 years, is a respected instructor of the kinesic interview technique utilized by a wide variety of law enforcement agencies. (Foster, n. d. ) Stan B. Walters, the " Lie Guy", has over 20 years of experience training kinesic interview and interrogation techniques to agents of local, state and

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federal government agencies. (Walters, 2001. ) Kinesic techniques are an integral part of the interview and interrogation process and training does not show any signs of slowing down.

According to Fred Leland, a Walpole, Massachusetts Patrol Commander and instructor that specializes in officer survival issues, nonverbal communication is approximately between 65 – 85% of total communication. Leland touts “ Training in this discipline and mastering the skills of reading people is a continuous process that is difficult, but the attempt must be made if we want to lower the number of names being placed on the law enforcement memorial each year. ” (Leland, n. d. ) Kinesics, or non-verbal communication, is only one of many interview/interrogation techniques used by criminal investigators.

These “ body language reading” practices are beneficial in obtaining information not voluntarily given by a victim, witness or suspect. While there are a variety of types of kinesics used, some kinesics methods are learned outside of a formal training setting. In addition to uncovering pertinent information or dismissing unnecessary testimony, reading body language helps investigators forecast dangerous behaviors such as the fight or flight response of an armed suspect; therein saving lives. The future of using kinesics techniques has moved from mainstream to mandatory.