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#### **Confrontational vs. Non-Confrontational Interrogation**

##### **Fear and rapport**

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2009 Mar 18

There are really only two ways to interrogate a suspect, either by being aggressive or using non-confrontational methods. Some interrogators think being aggressive brings admissions that would be obtainable in no other way. Certainly, Jack Bauer, on the TV show *24* would agree, since he

Which will get you more information: fear or rapport? (Photo Wicklander-Zulawski & Associates and Lombard Police Dept.)

extracts information in ways that violate the Constitution and the Geneva Convention. Still, it is interesting how the use of aggression is a favorite approach. The military refers to it as the "fear up" technique; police the "good cop/bad cop," but regardless, it confronts the individual on his primal emotional level, fear.

What is even more interesting, these aggressive methods contradict the most successful techniques used by American and German interrogators' during World War II. A common thread between the most successful World War II interrogators was the use of rapport to open lines of communication between the interrogator and his subject. One German interrogator was reportedly able to obtain information from every Allied aviator he ever spoke with. By carefully maintaining a log of Allied biographical information, the German interrogators were able to convince the airmen their intelligence information was already known so there was no need to conceal it. The key it seems was excellent biographical information about the pilots, airmen, equipment, and bases that could be used to establish rapport with them when they were captured.

American interrogators found exactly the same methods worked well against captured Japanese soldiers. Instead of threatening the men or instilling fear in them, the interrogators used rapport and simple conversation to obtain information about the condition of Japanese facilities and armaments.

Yet in light of the success of the non-confrontative approach investigators continually return to a confrontational interview or interrogation style.

### **Confrontation methods**

The confrontational approach forces the suspect to initially deny his involvement in the incident under investigation. Once the suspect has lied to the interrogator, he is now committed to protect that position with further denials. In essence, the suspect now has to admit not only his crime, but also the fact he has lied to the interrogator.

The suspect who has lied to the interrogator has created an opponent to oppose in the encounter. The suspect can now antagonize, insult, or direct his anger at the interrogator since the interrogator is the opponent. The direct accusation also destroys much of the rapport between the suspect and interrogator that was in place prior to its use. Whatever level of trust existed between the two is shaken. Establishing rapport is in essence a feeling of trust between two people, or a belief that the other individual has your best interests at heart. Using a direct accusation in a confrontative approach damages the level of rapport between the suspect and his interrogator.

In addition, the direct accusation often limits a suspect submission to a single issue while limiting the possibility of obtaining additional admissions to other crimes.

The direct accusation and confrontational approach encourages the suspect to make an emotional decision to confess. As a result of this emotional decision to confess, the submissive phase of the interrogation is often magnified behaviorally with the suspect crying and sitting in a defeated slumped position. This behavioral phase of the interrogation makes it easier for the interrogator to know when to present his choice question to obtain the admission, but to an observer the interrogator appears to have defeated the suspect.

Beginning the process of denials with the direct accusation also affords the interrogator an opportunity to measure the subject's resistance to a confession by observing the individual's denials. As the suspect begins to weaken, his denials will lessen both in frequency and in intensity until they cease altogether. One problem with starting the suspect denying is the interrogator must re-accuse him each time he makes a verbal denial. Viewing a confrontational approach on video makes the encounter look more aggressive than it may actually have been due to the "did to/did not" debate between the parties.

### **Establishing rapport**

The non-confrontational approach provides an interrogator many more opportunities to succeed. If the confrontational approach is successful one can almost always be certain the suspect would have confessed more quickly and with less of a struggle using the non-confrontational method.

First and foremost the non-confrontational approach encourages the suspect to make a rational, rather than an emotional decision to confess. Removing emotion from the decision-making process benefits both the suspect and the interrogator. A suspect reacting emotionally to the encounter will often inject anger and increased resistance, making the conversation less effective.

In addition, the non-confrontational approach may reveal a pattern of criminal behavior, rather than the single incidence the investigation had revealed. Unlike the direct accusation, the non-confrontational approach does not specifically identify the target of

the investigation. The suspect believes he is caught, but must guess what the interrogator knows and how he came about the information. The result is the suspect may reveal his involvement in crimes the interrogator was unaware of.

During a carefully crafted introductory statement, the interrogator convinces the suspect his guilt is known. The interrogator does this without specifically identifying the crime or location, forcing the suspect to decide which crime he will confess to. Because the suspect has not been directly accused of a crime he will generally not deny or directly lie to the interrogator. Instead, the suspect will listen without interruption to the interrogator's persuasive arguments. Using a direct accusation causes the suspect to deny and interrupt the interrogator's rationalizations, making them less effective in persuading the suspect to confess.

While the interrogator avoids the suspect's denial using this approach, he also benefits from eliciting behavioral clues from the suspect regarding his other criminal acts. The interrogator can observe the suspect's behavior and identify likely crimes the individual has participated in.

The non-confrontational approach also takes advantage of rapport building that is never torn apart as the interrogation proceeds. The rapport is not damaged because the interrogator is not seen as an opponent when using this style of approach; rather, the interrogator is viewed as a mediator trying to resolve the situation. The level of trust is never broken, making it easier for the suspect to take advantage of the interrogator to speak on his behalf. Effectively, the non-confrontational approach allows a collaborative decision-making led by the suspect using his interrogator as a trusted advisor.

From a management standpoint, the structured non-confrontational approach allows supervisors to monitor and measure performance against a benchmarked structure. Until now, an interrogator was likely judged on whether or not he got a confession from the suspect. A good interrogator was judged based on these confessions, not necessarily how he arrived at them. Using a structured non-confrontational approach allows managers to mentor new interrogators and counsel those having problems obtaining an admission.

An interrogator can now move through clearly defined sections of an interrogation moving the suspect psychologically with him from a point of resistance to one of acceptance and confession. The process begins with an introductory statement designed to convince the suspect he has been caught. The introductory statement also affords the interrogator an opportunity to observe the suspect's behavior and potentially identify other areas of criminal activity in which the suspect has been involved.

Once the suspect has been convinced he is caught, the interrogator then begins the process of showing understanding. During the showing of understanding the interrogator rationalizes people's behavior as they make bad decisions and errors in judgment. These rationalizations are delivered in the third person so there is no need for the suspect to deny or increase resistance to the conversation.

Then the interrogator moves to deal with the final areas of unspoken resistance. Here the interrogator deals with the suspect's hopes and natural inclination to delay in making a decision to confess. The interrogator must also answer the unspoken question of why no evidence has been presented although it was alluded to during the rationalizations. Once these areas of resistance have been dealt with the interrogator can use an assumptive question to obtain an admission to a crime.

"What is the most number of cars you broke into in the last six months? It wasn't as many as 50 was it?"

The preceding assumptive and follow up question will usually obtain a denial from a suspect who is in the submissive phase of the interrogation. The denial in this case is really an admission, "No, I didn't break into 50 cars." The suspect has indirectly acknowledged breaking into cars and development of the admission is likely to be higher than the single vehicle the suspect was being investigated for.

When we examined the structured non-confrontational method of interrogation in property crimes, we found that those interrogators conforming to the non-confrontational structure had a confession rate of 73% to 85%, depending on the group examined. In addition, the interrogator's overall admissions were three times higher and with a greater variety of methods used to steal, than interrogators using a confrontational or unstructured approach. Furthermore, the non-confrontational method achieved implications of other suspects about 30% of the time. When we analyzed those using a confrontational approach, we found a confession rate of 27% in the same sort of property crimes.

It seems clear a non-confrontational method of interrogation is likely to provide an easier path to confession for both the suspect and the interrogator. As the World War II interrogators discovered, a non-confrontational approach to interrogation delivers multiple benefits.

There is another benefit to be considered by those departments recording their interviews and interrogations. The non-confrontational approach often leads directly to an admission of guilt without the suspect ever having said they were not involved in the crime. Viewing a non-confrontational interrogation easily illustrates the voluntariness of the suspect's admissions and ultimate confession.

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