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Tools for Guiding the Confession

Interview and Interrogation Tips

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This issue focuses on tips to aid in securing a confession. We'll break it down into four sections: counteracting possible denials, identifying lies when they arise, making it easier to confess, and ten simple things you want to avoid.

There will be observable behavior preceding the suspect's denial. Stop the denial before it is voiced. (Photo Wicklander-Zulawski & Associates)

- **How to Counteract Denial:** When entering into an interrogation, you can anticipate denial by watching the suspect's behavior and using following techniques to deflect:
 - **Anticipate the denial by observing behavior:** There will be observable behavior preceding the suspect's denial. Stop the denial before it is voiced.
 - **Use the suspect's first name :** When people hear their names, they stop and pay attention to the speaker. Use this to gain the suspect's attention or momentarily cause him to stop what he is doing.
 - **Discuss important areas :** The suspect's desire to know the amount of information that has been developed can get him to listen.
 - **Tell the suspect that he will have a chance to talk :** This typically pushes a suspect into maintaining silence while the interrogator talks.
 - **Interrupt the suspect and state the denial for him :** This keeps the interrogator in control of the dialogue and establishes rapport but does not cause the suspect to feel like he has to protect a position.
 - **Create curiosity :** By offering a statement designed to create curiosity, the suspect will wait to get all of the information promised by the interrogator.
 - **Use behavior to control the interrogation :** Using gestures and conversational reactions to tell the suspect not to speak can control the suspect's denials.
 - **Use an enticement question:** The enticement question presents either real or fake evidence that causes the suspect to change his story.

However, if the suspect is destined to lie, there are only so many ways he can do it.

- **Identifying Lies:** In order to handle a lie, the officer needs to understand the types of lies. There are five basic types of lies a suspect may use:
- **Direct denial :** This simple, "I didn't do it," creates an emotional sense of disquiet called dissonance, which people try to avoid.
- **Lie of omission :** This allows an individual to tell the truth while omitting details that could create potential trouble.
- **Lie of fabrication :** This is the most difficult lie to tell because the suspect must be a quick thinker with good memory. The suspect must be able to create information without contradicting himself to make the deception confident with a ring of truth.
- **Lie of minimization :** This lie downplays significance, which the suspect hopes will satisfy the interviewer and limit further questions. *Only two beers, oshifer !*
- **Lie of exaggeration :** Many exaggerated claims can be tested by looking for inconsistencies in the story.

When questioned closely, the suspect begins to search for a way out and will often begin the admission process--leading the way to confession.

- **Making it Easier to Come Clean:** When it comes to getting a confession, there are several ways to make it easier for the suspect to come clean:
- **Create the belief his guilt is known :** The suspect confesses because he believes that he is caught and wants to release his feelings of guilt.
- **Offering a face-saving option :** Minimize the seriousness of the crime, focus on the resolution and the future. Use rationalizations to allow the suspect to save face.
- **Avoiding denials :** Use third person rationalizations to gain acceptance and allow the suspect to minimize the seriousness of the crime.
- **Using assumptive questions :** An assumptive question assumes that the suspect committed the crime and asks for an admission regarding some aspect of the crime. Examples of assumptive questions are as follows:
 - - What is the most number of cars you broke into in the last six months?
 - Did you use the money for bills or was it for drugs?
 - Did you plan this out or did you do it on the spur of the moment without thinking?
 - Was this your idea or someone else's?

Once the suspect has acknowledged involvement in the situation, it is essential to develop the admission which includes the elements of the crime, the suspect's mental state, evidence, and the details of the crime. Listed below are some mistakes you want to avoid:

Top 10 Mistakes You Want to Avoid

1. Don't go into an interview cold if at all feasible--thoroughly investigate.
2. Don't forget to Mirandize a suspect in custody.
3. Don't defame with false comments. Speculation and opinions in investigative reports should be avoided.
4. Don't prosecute unless the evidence warrants. A careful of the evaluation of each case's evidence and statements should be conducted prior to contemplating prosecution.
5. Don't touch the subject during the interview process. Even innocent touches or movements during the interview may be twisted into **allegations**.

6. Don't leave evidence unattended with the suspect.
 7. Don't start your interrogation without getting as much relevant information as possible from witnesses.
 8. Don't ever use coercive tactics to obtain information. Yelling, screaming, making threats or promises of leniency should not be used. The use of threats or promises to extract a confession removes the voluntary nature of the confession and could cause its suppression.
 9. Don't have a closed mind about an individual's involvement in circumstantial cases . Keep in mind, circumstantial evidence is exactly that--circumstantial.
 10. Don't begin any interview without going through the proper channels that have been established by your department. Work through your case one last time with your supervisor. This will not only help prepare for the interview, but it may also point out shortcomings in the investigation.
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