

PART V INTERROGATIONS PRIMARILY BLAMING AN ACCOMPLICE

SUMMARY OF CASE FACTS

The victim of this assault was shopping alone in a shopping mall and walking to her car at 9:30 p.m. A vehicle with three men in it drove up and the driver started talking to her. She attempted to run away but the passengers of the car got out and forced her into the car. She was driven to a remote road and raped by the three men.

The driver of the vehicle, Thomas Kane, was identified through yearbook pictures. Thomas drives a red Monte Carlo, which is the same vehicle involved in the assault.

CLASSIFICATION OF ASSAULT

Power motivated; Situational

PROFILE INFORMATION LEARNED THROUGH TOM'S INTERVIEW

Thomas' Alibi: Thomas claims to have been at a friend's house (Paul Lomax) watching television and drinking beer. He denies driving anywhere near the shopping mall.

I: "Why wouldn't you force a woman to have sex with you?"

S: "Because I don't need any more trouble with the police."

[The suspect's primary concern relates to going to prison. Also, he has had prior problems with the law.]

I: "What should happen to the people who did this to Kathy?"

S: "If they can prove it, I'm sure they will get some time." [Suspect is convinced that he will go to prison if a case against him can be proved]

PROFILE INFORMATION LEARNED THROUGH PAUL'S INTERVIEW

Paul's Alibi: Paul acknowledges having two friends at his home on the night of the offense, Thomas Kane, and Jim Wood.

I: "Have you ever thought about forcing a woman to have sex with you?"

S: "No way. I would be too scared to do something like that." [The suspect perceives this act as impulsive and out of character for him]

I: "What do you think should happen to the people who did this to Kathy?"

S: "I think it is important to take into consideration the circumstances surrounding the whole thing." [This answer requires a follow-up question]

I: "Under what circumstances to do think a person involved in this should be given a second chance?"

S: "If it was not his idea." [Suspect is placing blame onto an accomplice]

NOTE: Because Thomas is committed to the idea that he will go to prison if he confesses, he will be a more difficult suspect to interrogate than Paul. Paul perceives the act as out of character for him and is placing the blame for the act onto Thomas. Secondly, in cases of this nature, it is not uncommon that the “leader” of the gang has threatened the other accomplices if they talk. Because of this, breaking the bond between the accomplices by playing the “leader” against the “followers” is an effective interrogational approach.

POSITIVE CONFRONTATION

When multiple offenders are involved in a crime the investigator does not want to be too specific with respect to the confrontation in terms of addressing specific involvement. Because this was a power-motivated assault, the interrogation will focus on the act of sexual contact. The confrontation used was, “The investigation indicates you are not telling the truth about your involvement in what happened to Kathy.”

THEMES

- Blame Thomas for suggesting the rape or for setting the example by being the first person to have sex with Kathy.
- Blame alcohol
- Minimize Paul’s involvement in the rape by comparing it to worse involvement by the other suspects.

ALTERNATIVES

- Contrast whose idea it was to have sex with Kathy
- If different accomplices did different things, contrast the extent of involvement, e.g., “Were you the one who cut her with the knife or was it someone else?”

INTERROGATIONAL STRATEGIES PRESENTED

1. Since the eventual alternative will be whether or not the attack on Kathy was Tom’s idea or that of the suspect, the early portions of the interrogation built up the suspect’s responsibility, maturity, and judgment and contrasted his life accomplishments against Tom’s in the analogy of the “leaders” vs. the “followers.”
2. When the suspect stated, “Are you saying I did this?” the investigator did not restate his confidence in the suspect’s guilt because there was not a denial offered in the statement. Rather, the investigator simply stated, “Paul you know exactly what the truth is.” Whenever possible, the investigator should refrain from reminding the suspect that he has lied to him. Ideally the investigator should only have to tell the suspect once that there is no doubt about his guilt (during the positive confrontation). The one exception to this rule is when the suspect offers a denial during later stages of the interrogation. At that point, the

investigator may restate his confidence in the suspect's guilt.

3. The suspect's early posture during the interrogation indicated that he is quiet, but also turning off the investigator's words. When this demeanor (crossed arms, no verbal statements, distant look, sometimes a smirk on the mouth) persists for many minutes without change, the investigator should attempt to get the suspect more involved in the interrogation. During this interrogation the investigator used factual analysis to get Tom emotionally involved.
4. A factual analysis approach consists of discussing opportunity, access, motivation, and evidence in such a way that the suspect becomes convinced that others will believe he is guilty based strictly on investigative findings. It is important to note that suspects usually will not confess simply because they believe the evidence against them is overwhelming. Rather, factual analysis is used merely to refute the suspect's belief that if he remains silent he may escape punishment.
5. When using fictitious evidence during an interrogation the investigator must be certain that the evidence in fact could exist. In many cases it is safest to talk about analysis of the evidence through implication such as, "Don't think that we don't have a plaster tire imprint that can link Tom's car to the scene." In some cases it might be best to refer to the evidence in a future sense such as, "Once the semen which was taken from the medical examination of Kathy is genetically analyzed, we will be able to identify exactly who had sex with her because chromosomes are just like fingerprints — no two people have the same genetic makeup."
6. The concept of arguing against self-interests refers to convincing the suspect that the purpose for the interrogation is not to get a confession, but rather to provide the suspect some input into the investigation. Essentially the investigator tells the suspect that he certainly does not need the suspect to admit his guilt to prove a case against him. Rather, because the investigation involves the suspect, he should care enough about his situation to get his side of the story in.
7. When the suspect makes a statement such as, "OK, what do you want me to say?" or, "Alright I'll tell you what you want to hear," he is trying to displace his guilt onto the investigator. The investigator should respond to these types of statements by saying, "All I'm asking you to do is to tell the truth!"
8. Playing one suspect against the other. The first step of this tactic is to convince the suspect that the accomplices will certainly confess to the crime. In this case the credibility of that statement was supported by saying that Tom is familiar with the criminal justice system and knows that those who talk first are believed. The investigator then described the accomplice's confession in such a way that the accomplice would place total blame for the act onto Paul. The concept that people believe whoever talks first then is used as the incentive for the confession.
9. Role Reversal: This tactic involves the investigator describing two suspects, both of whom are clearly guilty of an offense. The first suspect is uncooperative and does not tell the truth. The second suspect is described as telling the truth, usually with a statement that he is sorry about what he did. The suspect is then

asked which of the two suspects would he rather sit down and talk to, or which of the two suspects does he find more credible. By acknowledging that the person who told the truth is given more credibility, the suspect is indirectly admitting to himself that it would be in his best interests to tell the truth. This tactic can be used in any interrogation when an impasse is reached. For example, in the previous interrogation, the investigator could have told the suspect:

“Fred, let’s hypothetically say that I am investigating two different people, both of whom had oral sex with a woman. There is absolutely no doubt that both men are involved in the act, but I ask the first guy whether or not he had oral sex with the woman and he tells me, ‘You think I had something to do with her, you prove it mister.’ OK? Now I talk to the second guy and he says, ‘Alright, I did have oral sex with her, but it is the first time anything like this has ever happened.’ Now which of those two people do you more respect? The guy who stonewalls and says ‘prove it’ or the guy who is willing to admit that he made a mistake?”