

Investigator Tip: Conducting the Investigation

When a crime has been committed, there are several general guidelines that should be followed in conducting a thorough investigation.

Developing the Case Facts

“Fact analysis” refers to the investigator’s ability to identify from factual information the probable motivation for a crime, unique access requirements (for example, access to a particular type of weapon or vehicle, knowledge of a security code or possession of keys), the window of time during which the crime was committed (to establish opportunity), and propensity characteristics about the person who committed the crime (for example highly intelligent, emotional or a drug user, etc.).

The following are suggestions with respect to collecting and analyzing factual information:

- *Prior to an interview, and preferably before any contact with the suspect, the investigator should attempt to become thoroughly familiar with all the known facts and circumstances of the offense.*
- *In cases involving a victim, such as a robbery or assault, the victim should be the first person interviewed, as well any witnesses.*
- *The investigator should interview those suspects who are least likely to be guilty first and work toward the suspect most likely involved in the offense.*
- *Remember that when circumstantial evidence or especially physical evidence points toward a particular person, that person is usually the one who committed the offense.*
- *After obtaining information from the person providing the details re the commission of the crime (e.g., the investigating officer), consider the possibility that the fact-giver may have become so convinced of the suspect’s guilt and so anxious to obtain a confession himself that he prematurely may have confronted the suspect with an accusation or may have indulged in some verbal abuse.*
- *Consider that a fact-giver may have worked so many hours or days on a case that, without any malicious intent, he may have withheld relevant information or even have supplied unfounded information to the investigator.*
- *While listening to a fact-giver’s report of the incident in question, jot down notes regarding dates, time, and nicknames of participants or witnesses, and fill in the complete details later rather than interrupt the fact-giver who is presenting the report.*
- *In appropriate situations, encourage the person relating the details of a case to sketch the place of occurrence and to note on it any relevant points.*
- *When interviewing a person regarding the facts of a case, ask what he believes may have happened, who he believes to be the chief suspect, and why*
- *Regard cautiously the reliability of information submitted by a paid informer.*
- *View with suspicion any anonymous report implicating a specific person in a criminal offense.*
- *Ask a child victim of a sexual offense involving a stranger to describe the scene of the offense.*

- *During an interview with the presumed victim or other reporter of a crime that involves money or property rather than a physical offense, consider the possibility that no crime was in fact committed.*

Specific Information of Value to Investigators

- *There are many kinds of information that an investigator should have available before conducting an interview and/or an interrogation of a suspect. Some of this information will be developed through investigative efforts; some will be obtained during a non-accusatory interview that precedes any interrogation.*

Information about the Offense Itself

The following information about the offense itself should be obtained: the legal nature of offensive conduct (for example, forcible or statutory [underage]rape, robbery, burglary, or plain theft) and the exact amount and nature of the loss date, time, and place of the occurrence (in accurate detail)

- *description of the crime area and of the crime scene itself*
- *the way in which the crime appears to have been committed and known details of its commission (for example, implement used, place of entry or exit)*
- *possible motives for its commission*
- *incriminating factors regarding a particular suspect*

Information about the Suspect or Suspects

The following information about the suspect(s) should be obtained:

- *personal background information (for example, age, education, marital status, financial and social circumstances, gang affiliation, and criminal record, if any, present physical and mental condition, as well as medical history, including any addictions to drugs, alcohol, or gambling)*
- *attitude toward investigation (for example, hostile, cooperative)*
- *relationship to the victim or the crime scene*
- *incriminating facts or possible motives*
- *alibi or other statements (for example, oral, written, or recorded) that the suspect related to investigators*
- *religious or fraternal affiliations or prejudices*
- *home environment*
- *social attitudes in general*
- *hobbies*
- *sexual interests or deviation, but only if directly relevant to the investigation*
- *abilities or opportunities to commit the offense*

Information about the Victim or Victims

The following information about the victim(s) should be obtained:

- *companies or other institutions*
 1. *attitudes and practices toward employees and public*
 2. *financial status (for example, insurance against losses)*
- *persons*
 1. *nature of injury or harm and details thereof*
 2. *age, sex, marital status, and family responsibilities (number of dependents)*
 3. *social attitudes regarding race, nationality, religion, etc.*
 4. *gang affiliation*
 5. *financial and social circumstances*
 6. *physical and mental characteristics*
 7. *sexual interests or deviations, but only if directly relevant to the investigation*
 8. *blackmail potentialities*

If, following an interview, the investigator believes that the information developed is inadequate for an effective interrogation, he should consider postponing the interrogation until the investigation has been resumed, in pursuit of further details. In some instances, a delay for that purpose is not feasible, and the investigator may have to proceed on the basis of the limited information available.

Guidelines for conducting an interview

- The Reid interview process is a non-accusatory, non-confrontational information-gathering conversation.
- Throughout the interview process, the investigator should maintain a neutral, objective, non-judgmental fact-finder approach.
- No accusations of guilt should be made during the interview process.
- All interviews should be conducted in accordance with the guidelines established by the courts, such as the appropriate advisement of rights, the presence of a parent or guardian for a juvenile; etc.
- The interview should begin with casual conversation, biographical information, employment information, etc. to acclimate the subject to the interview process, develop the subject's behavioral baseline, and develop rapport.
- The investigator should use open-ended questions to develop the subject's statement, story, version of events, or explanation of what happened.
- After the subject relates their initial story or version of events the investigator should then ask a series of questions to develop additional details, as well as questions to clarify the who, what, when, where, why, and how of the incident that is under investigation.

During the interview, the investigator should attempt to resolve any inconsistencies or contradictions that may have surfaced from the interviews of other subjects or from the investigative information.

- If the subject offers an alibi for the period in question, every effort should be made to substantiate the alibi.
- We encourage investigators to follow the 80/20 rule – during the interview the subject should do 80% of the talking and the investigator should do 20%.
- The investigator should observe the subject's verbal and non-verbal behaviors as a guide for the interview questions. It is important to remember that no behavior is unique to truth or deception – behavior must be evaluated in context and against the subject's normal behavioral patterns. Numerous factors can affect a subject's behavior during the interview, including culture, mental capacity, emotional and psychological stability/impairments, physical condition, drugs and alcohol, the severity of the issue involved, and the subject's level of social responsibility...all of which the investigator must consider.
- The investigator should not tell the subject what they know about the case but rather evaluate whether or not the subject's statement is consistent with what is known or on the other hand, if the case facts and evidence contradict what the subject has stated.
- In addition to the investigative questions, the investigator should utilize behavior- provoking questions during the interview.
- The investigator should not reveal all of the details about the crime (it is critical to withhold crime details that can later be used to confirm the authenticity of the subject's acknowledgment of what he did).
- The investigator should not show the suspect crime scene photographs that reveal corroborating details.
- The investigator should evaluate the subject's possible involvement in the issue under investigation based on the investigation, case facts, factual evidence, and information developed during the investigation and the interview.
- The interview (and any subsequent interrogation) should be recorded.

Guidelines for conducting an interrogation

- Interrogations should only be conducted when the case investigative information indicates the subject's probable involvement in the commission of the crime. The purpose of an interrogation is to learn the truth.
- The investigator should conduct all interrogations following the guidelines established by the courts - advisement of rights; the presence of a parent or guardian for a minor; etc.

- The investigator should not make any promises of leniency, threats of harm or inevitable consequences, or physically abuse the subject.
- The investigator should not conduct interrogations for an excessively lengthy period of time.
- The investigator should not deny the subject any of their rights.
- The investigator should not deny the subject the opportunity to satisfy their physical needs.
- In a non-custodial interrogation, the investigator should not deprive the subject of the opportunity to leave the room.
- The investigator should exercise special precautions when questioning juveniles or individuals with mental or psychological impairments. The investigator should not misrepresent the case evidence to these subjects.
- When a suspect claims to have little or no memory of the period when the crime was committed the investigator should not misrepresent the case evidence to the subject.
- The investigator should never manufacture evidence implicating the subject.
 - Investigators should adopt a general practice of avoiding misrepresentations concerning incontrovertible or dispositive evidence.
- The central focus of the persuasion process is to propose to the suspect reasons and motives that will serve to psychologically justify or excuse their behavior – not legally justify or excuse their behavior.
- When the subject acknowledges what they did, the investigator should ask open-ended questions to develop corroborating information – the location of the murder weapon or bloody clothes; how the subject gained entry into the building; where the subject sold the stolen jewelry, etc. Corroboration is an essential element to establish the authenticity of the subject's statement.
- The interrogation should be recorded.
- The subject's confession is not the end of the investigation...the investigator should continue to develop additional details about the subject's behavior before and after the commission of the crime and to further verify the details of his statement of involvement.

All investigators should adhere to the following principles:

- Always treat the subject with dignity and respect
- Always conduct interviews and interrogations according to the guidelines established by the courts

- Do not make any promises of leniency
- Do not engage in any physical abuse of the suspect
- Do not make any threats of harm or inevitable consequences
- Do not conduct interrogations for an excessively lengthy period
- Do not deny the subject any of their rights
- Do not deny the subject the opportunity to satisfy their physical needs
- Exercise special cautions when questioning socially immature juveniles or individuals with mental or psychological impairments

Resources:

Criminal Interrogation and Confessions. Reid, Inbau, Buckley and Jayne 5th edition

Investigator Tips – www.reid.com / Resources