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# Getting the Truth

## The Police Detective and the Art of Interviewing

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Interviewing is vital to most police investigations in the United States. Physical evidence can reveal a great deal about a crime, but hearing the stories of people involved is essential to understanding how and why a crime has occurred. Interviewing victims, witnesses, and suspects can determine whether injuries result from a fall or a push, sexual acts are consensual or forced, or a lawnmower is borrowed or stolen.

However, for police detectives, *getting the truth* in interviews is not always easy. Perpetrators of crimes rarely want to admit what they have done. Witnesses' vested interests may bias their testimony. Alleged crime victims may make false accusations. Ideally, it is the police detective's role to uphold the rights of everyone involved in a case—even suspects—and the best way to defend rights is to seek truthful recollections of events and motives from interviews. To do this, detectives learn the cultural knowledge necessary to follow legal procedures that ideally protect all parties during the investigation of a case while also deploying skillful techniques to question and read the verbal and nonverbal language of their interviewees.

TV police shows often contain scenes of suspect interrogations. Although these scenes vary, many contain images of controlling, sometimes

angry, and occasionally violent police officers intimidating suspects. Detectives threaten suspects with more severe charges, lie to them about evidence, and frighten them with stories about the abuse they will suffer when they go to jail. But are these images accurate? Perhaps sometimes, but this ethnographic study of police detectives belonging to an upper midwestern city police force indicates that the interrogation process is a much more subtle procedure. (Readers should note that years ago, this police department adopted the practice of recording and videotaping police interviews.) Police detectives believe that subtle interrogation methods emphasizing rapport are often a more successful way to elicit information than the intimidating tactics portrayed in the media. To successfully elicit a suspect's true story, detectives believe it is best to relate empathetically to their suspects, and use a detective-based cultural knowledge of interviewee behavior, especially body language, to gauge the veracity of what they are being told.

### The Study

The following is a study of the cultural knowledge that police detectives use to conduct investigative interviews. It is the result of a series of seven interviews of approximately one hour each conducted with a police detective in a northern midwestern state. At times, when my informant was unsure about whether something was cultural knowledge or personal knowledge (i.e., shared by most police detectives or specific to him), he would ask other detectives for verification. I have tried to note all instances where a technique was unique to my informant, and how it might compare with what other police detectives know and do.

I chose to study the microculture of police detectives for a variety of reasons. Many members of my family have been in civil service professions that required them to deal with law enforcement, so I had often been around law enforcement officials but had never been initiated into their culture. Also, I have an interest in social power and the role of government in society, a subject inherent in the role of a police detective. Finally, I was lucky to find my informant, a police detective who was kind enough to teach me about the profession of police detectives and without whom this paper could never have been written.

### Preparations and Procedures

Detectives believe that interviews can often be the most powerful evidence in a case. To interview successfully, however, detectives must prepare for an interview, although the degree of preparation depends on the nature of the case and the detective's personal style. In *person crimes* (crimes against a

person as opposed to crimes against property), the victim will be interviewed first, followed by any witnesses, and concluding with the suspect. This order occurs because the victim's story, especially when the crime is fresh in the victim's mind, is almost always the most honest version of events. Background information can then be used to detect discrepancies in the suspect's story. The first interview with a suspect is crucial because it is usually the only one that takes place before a suspect has a lawyer, and therefore it is the only time that a suspect and a detective may talk one-on-one.

Among the most significant requirements when preparing for an interview is to follow legal restrictions that detectives call *procedures*. Procedures are put in place to protect interviewees' rights, to avoid circumstances that would lead to falsified stories (e.g., a *coerced confession*, or a confession given because of perceived threat), and to protect the police detective and department from accusations of wrongdoing. Procedures may be generated by officials at various levels of local and state government, but those relating to *open investigations* and the *Miranda* decision are both widespread and vital to the legality of interviews.

| Interviewee | In Custody or Out? | Read for Mood? | Read for Lies?   | Relate?  | Police Image Useful? | Order in Interviews? |
|-------------|--------------------|----------------|--|--|----------------------|----------------------|
| Suspect     | Either             | Yes            | Yes  | Yes  | Sometimes            | Third                |
| Witness     | Out                | Probably not   | Not without reason (check connections to suspect and victim) | Probably not necessary (less emotionally involved) | No                   | Second               |
| Victim      | Out                | Yes            | Not actively   | Yes  | No                   | First                |

Figure 1 Paradigm of interviewees in a person crime

During an *open investigation* (an investigation in which no arrest has been made), the right to question someone is voluntary. A detective can only ask questions until the interviewee *withdraws permission*. In open investigation interviews, the detective is required to make it clear that interviewees are not under arrest, that they are free to go, and that they are not required to tell the detective anything. If the detective deems it necessary to question a person without voluntary consent, he can only do so by placing the suspect under arrest.

By denying a person the right to leave, a detective must *read suspects their rights*, in other words, recite the rights of the incarcerated as required by the Supreme Court ruling in the case of *Miranda vs. Arizona* of 1966. The police detective must make it very clear to suspects that they have the right to remain silent. Detectives cannot coerce or threaten suspects, cannot imply repercussions or ramifications for not cooperating, and cannot make impossible promises. An interview in which the *Miranda* decision was not followed is inadmissible in court. As my informant noted:

We had an officer get a very nice statement from a guy he'd brought down here . . . except he forgot to warn him about *Miranda* rights. So it can't be used. So I had time to reinterview the guy in jail, and I don't know why, but he decided to talk some more. But obviously, an in-custody arrest like that, you're deprived of your right to leave, you must advise him before you ask specific questions for a criminal investigation of his rights, and advise him so that he clearly understands you're a cop, you're investigating a criminal act for which he may be liable, that he doesn't have to talk to me, that he can have an attorney, if he can't afford one we'll get one for him. And if he can't wait for the attorney . . . then we have to make sure that he understands all those things and knowingly waives his rights . . . before he talks to you in a situation like that.

In this case my informant got lucky. The suspect was willing to talk to him so he was able to get the statement again and rectify the other detective's mistake. With the capabilities of modern technology, many jurisdictions now require that interviews be documented in a reliable manner to prove that all rules were followed. In the informant's state, interviews are recorded—preferably on video, otherwise on audio—to document the interview for later review as required by law. Requiring the recording of interviews both protects interviewee rights and preserves detective credibility. This documentation proves that proper procedures were followed and may be called before the scrutiny of a judge. It may also explain a growth in the use of more subtle interviewing methods.

## Questioning Techniques and Relating to the Suspect

Detectives have developed an elaborate culture of questioning to use in *in-custody* interviews. They try to simultaneously relate to the suspect's point of view, look for verbal and nonverbal cues indicating a suspect's disposition, and guide conversation toward the missing parts of the story. It is here that police detectives are most called upon to represent the interests of the suspect in *getting the truth*. As my informant says to suspects, "I want to be able to put in a report what you thought, what you saw, what you felt, because I've got the other side, and I've got most of the details . . . but what I need you to fill out is why." On one hand, it is the job of the detective to determine if the suspect is, in fact, innocent. On the other hand, good questioning is essential to

determine a suspect's intent. It is very important to discover the suspect's point-of-view, as it can provide vital insights for the detective and will open up a new path to *getting the truth*.

| Ways to Interview                      |
|--|
| Relate to the suspect/be nonjudgmental |
| Let them minimize/justify              |
| Find a lever                           |
| Lay bait                               |
| Be a regular/nice guy                  |
| Turn on police image                   |

**Figure 2 Taxonomy of ways to interview**

My informant and the other detectives in his department prefer a straightforward approach when interviewing suspects, meaning using no *traps* to lead suspects into saying things they would not normally say. A straightforward interviewing technique does not mean that the detective is simply asking direct questions. Rather, the detectives try to, as my informant put it, "pick up clues to detect a secondary theme to play off." They try to relate to the suspect, to see things from the suspect's point-of-view, and then lay the bait by "playing off" their knowledge of the suspect's feelings. The following story illustrates this approach:

Recently a guy alluded to the fact that he was a changed man from before, but she [the victim] kept doing things and he could tell that she wanted the OLD guy, the BAD ASS back. And I went with that. I said, "I know exactly what you mean. Women, they get hot and start yelling, they're expecting it to come back on them, and that's what you did, right?" And he went right along with it. "You bet I did. I gave her the OLD stuff."

In this way, detectives must change their thinking and their mental self-image to that of the suspect's. This requires a great emotional investment on both sides and can be quite taxing. The detective and the suspect, polar opposites and often adversaries, must meet on common ground—simple humanity—so that the knowledge of one's acts may pass to the other.

In the above case, the common ground lies in the simple conversational framework of a man complaining about his wife and another man sympathizing. My informant has "let them minimize, justify, whatever they want to do" to make the suspect comfortable talking about the acts he committed. The detective is nonjudgmental in the conversation, allowing the suspect to talk about his perceived problems and the solutions he devised, nodding and encouraging after each word as though he agrees and understands. The detective receives the confession, and the suspect receives a sympathetic ear.

Accompanying this ability to relate is the ability to find a lever, to apply pressure and guide the suspect in the direction the detective wants to go, as my informant did by relating to and then using the suspect's feelings about women in this instance. The detective relates to the suspect, and then guides the conversation in the right direction, "whether it's giving them the avenue or shutting off all the avenues that they're trying to take on."

Relating to the suspect is also how detectives attempt to make suspects comfortable, as in the story below:

This last fellow that I interviewed was a suspect. I noticed that he had lost the end of a finger and a part of another one, and just out of curiosity I asked him how he did that. "It's old scars." He said he was working in a metal fab shop and clipped it in a shear, and I said, "Yeah, I worked in a metal fab shop and I squished my fingers in the press brake." Break down the image initially that I'm the cop, that I'm the bad guy.

In relating to suspects initially, the detective brings himself down to the level of "just another guy . . . a nice guy." By downplaying the police officer image—actually working to eliminate the influence of their social power—detectives seek to elicit additional details by being liked rather than feared. As my informant said, "We're the guys who gave them the last six speeding tickets. Guys who used to chase them through the woods from the beer party and things like that. . . . I want to remove myself from that."

Although it is often difficult for a detective to assume the persona of a common person, the police persona can be reinstated instantaneously. As my informant said, "I can always turn it on." Often male detectives use their police persona when dealing with young men. Young men around the age of twenty often try "to take control of the conversation, take control of how [the] interview's going." When dealing with suspects who try to assert their authority, the superior social power of detectives becomes an asset rather than a detriment.

### Reading Body Language

Detectives believe they are able to relate and to find the lever because they know how to read people, to watch and listen for behavioral indicators in both body language and verbal language that indicate what a person is thinking. While reading can be applied to witnesses and victims, reading is most useful with suspects. My informant continually emphasized that reading people is a skill derived partially from training and partially from experience, and different people have unique ways of displaying these nonverbal cues. However, he did mention some common signs (see figure 3) and typical responses (see figure 4).

Some indicators occur throughout the interview. For example, holding a very rigid overall demeanor and position at all times indicates that a person is

| Kinds of body language |   |
|------------------------|---|
| Slight movements       | Steady, direct eye contact<br>Breaking and reestablishing eye contact<br>Looking down constantly<br>Gradually looking down<br>Looking straight up, or straight up and left<br>Leaning forward<br>Leaning back<br>Arms crossed<br>Using hands in speech<br>Touching self |
| Full body movements    | The sigh<br>Defecate<br>Urinate<br>Jumping up, shouting obscenities<br>Telegraphing   |

Figure 3 Taxonomy of kinds of body language

| Slight Movement              | Thought Reflected?             | Comfort Level with Detective | Appropriate Action for Detective                          |
|------------------------------|--------------------------------|------------------------------|---|
| Eyes steady, direct          | Lying                          | Low                          | Use background information to counter, or other technique |
| Eyes changing contact        | Truthful                       | High                         | Accept and encourage                                      |
| Eyes looking down constantly | Refusing to speak, participate | Low                          | Try different technique, detect various secondary themes  |
| Eyes gradually looking down  | Wants to tell                  | Medium                       | Give opening  |
| Eyes looking up              | Preparing to lie               | Low-medium                   | Distract from lie   |
| Leaning forward              | Interested, alert              | Medium-high                  | Continue as planned                                       |
| Leaning back                 | Relaxed                        | High                         | Depends, why is the suspect so comfortable?               |
| Arms crossed                 | Refusing to speak, participate | Low                          | Try different technique, test secondary themes            |
| Using hands in speech        | Comfortable, normal            | High                         | Continue as planned                                       |
| Touching self                | Preparing to lie               | Low-medium                   | Distract from lie   |

Figure 4 Paradigm of kinds of slight movements

familiar with police techniques and is seeking to evade reading, as my informant reflected:

Sometimes they'll telegraph me that they know some of the things that I know because they'll take a very specific position or demeanor, and they'll try like hell not to change it at all. They'll try to be totally STONE-FACED so that I can't do some of the things that I do to read them. To me that just tells me you're guilty as hell . . . but it makes it harder, very low likelihood of getting a full confession out of somebody that takes that kind of a demeanor.

Signs of eye contact also occur throughout the interview. Unwavering, constant eye contact suggests that suspects are trying to lie, because they believe that by maintaining steady eye contact they will appear honest. Noticing this nonverbal cue can be useful later if the lie contradicts solid background information. Looking upwards sometimes suggests that suspects are trying to think of a good lie, and the detective will try to interrupt their train of thought. Breaking eye contact occasionally and reestablishing it again is "natural human behavior," and usually signifies a normal conversation that should be encouraged. If suspects look down for some time, they may be seeking an opportunity to tell their stories. The detective must make it clear that suspects will not be judged, but rather that the detective will listen and try to understand the suspects' side. Looking down at one's shoes throughout an interview strongly suggests, like the resisting full body pose, that the person is trying to avoid letting anything out, and perhaps different interviewing methods should be attempted.

Detectives believe that body position can also indicate certain thoughts. A person leaning forward is probably interested, active, and/or alert, and the interview relationship is working well. Leaning back is more relaxed, perhaps signaling that he or she is comfortable. Crossed arms, however, may signify a refusal to cooperate or let anything out. Accompanying body position are signs given off from arm movement. For example, "talking with your hands" is fairly standard for most people and is another good sign, while suspects who touch themselves with their hands tend to indicate that they are stalling, being deceptive, or in general thinking of a lie. They should be diverted.

Some suspects will react quite angrily to a high-pressure treatment and will confront the detective, jumping out of the chair and yelling obscenities. If the detective can *reinitiate* after that point, it will only be after a "lot of BULLSHIT," by attempting to start a conversation again on any topic available and perhaps taking a break from the interview room. Sometimes *reinitiation* is simply not possible. However, if it is, it will only be achieved by completely adopting the "nice guy" image in the hopes of relating to the suspect.

The most important body language indicator is, as my informant put it, "the sigh." In an interview with a suspect, especially a high-pressure interview, the sigh is the moment when suspects give in. Suspects let out a loud sigh. The "shoulders drop, usually their neck relaxes and their head doesn't tip

over but it sinks a little." Sometimes—at times when suspects have an especially dire personal story behind their crimes—the sigh is accompanied by defecation or urination. My informant told one story about a pattern sexual offender that strongly illustrates this moment of opening up:

He was a pattern offender on young children, didn't matter boy or girl. . . . He lost total control of his bowel and his urine, and then he told me about his uncle . . . about his uncle when HE was a kid. . . . and then he went on to confess.

When a suspect reaches this point, the detective gives positive reinforcement to the suspect, encouraging the suspect to tell the story. Suspects who reach this point, as described in the example above, are ready to confess.

## Conclusion

The police detectives' method of interviewing is one that emphasizes culturally defined techniques they believe develop a positive relationship with an interviewee, and that use that relationship to convey a feeling of understanding and nonjudgment. As suspects become more comfortable with the detective during the process of minimizing and justifying their deeds—both for themselves and for the detective—the detective works to find a lever, a key topic that will cause an admission of guilt, ideally a full confession. To find this lever the detective must learn to read interviewees, to detect not only verbal cues but also nonverbal cues, as hints of hidden thoughts. When a lever is found, the detective lays the bait, hopefully resulting in a confession, or at least taking the detective a step closer towards getting the truth.

Although each case is different and requires adjustments to this template—especially when dealing with confrontational suspects, usually young men—this method has proven highly effective for police detectives. This subtle method of relying heavily on interpretation of human behavior seems much more reliable and realistic than the more aggressive actions of detectives often portrayed in the media.