

THIRD DEGREE COMMUNICATIONS, INC.

September 2009

TDC Tip

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Moving from Admission to Confession

As we stated in last month's article on Alternative Questions, moving a culpable subject from the DENIAL stage to making the first ADMISSION is undoubtedly the most difficult part of the entire Interview & Interrogation process. So, once he's made that initial admission, it will usually be easier to obtain the details of a confession. After all, that's the difference between a simple admission and a confession—*details!*

The very first thing an investigator should do after a subject admits guilt is to positively reinforce that behavior (as we definitely want it to continue), by thanking the subject for his honesty. This should be done sincerely and without a lot of fanfare. Simply tell the subject that you appreciate his honesty. The follow up question is critically important. The next question you ask should be something that will encourage the subject to keep talking without putting him too squarely on the spot. For example, any of the following types of questions would be appropriate:

- "When did you begin having sexual relations with Susie?"
- "When did you first get the idea to take the money?"
- "Tell me *your* side of the story on this."
- "Tell me about the *last time* you lost your temper with your child."

These types of questions use minimizing language which help demonstrate that you understand the nature of the subject's behavior and allow him to provide you with a non-threatening detail of the incident. We want to make it as easy as possible for the subject to continue providing additional details of what happened. Follow up questions should be general in nature and encourage the subject to keep talking:

- Tell me more about that...

- What happened next...
- And then...
- I see...

Ask the subject about peripheral details pertaining to the crime—these are low anxiety questions and are approximate in nature. As he/she begins disclosing more incriminating information, you can then begin to ask more specific questions. Be mindful of your tone of voice and do not become overbearing. Be patient and remember that most subjects will disclose a little information at a time, hoping the investigator will be satisfied with “a little bit” and not press for more. This is normal and should be anticipated. Patiently go back and press the subject for more details explaining that things do not quite match up yet with the evidence in the case.

Avoid providing the subject with too many details as this will result in a series of admissions, not a confession, and most likely will cause you problems later in court. The defense may argue that the subject was just “yessing” you to end the interview and leave. Also, be sure to ask the subject to provide you with a chronological recap of his/her entire statement as this will help a jury follow the statement better, not to mention simplify your report writing.

There is a right way and a wrong way to conclude an interview—that will be the subject of next month’s tip.

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