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TDC Tip

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Why Investigators Fail to Get to the Truth

You are the lead investigator on a case. You conduct a thorough and comprehensive investigation that leads you to a prime suspect. You are now ready to conduct an interview and, hopefully, obtain a confession. After a significant amount of time in the interview room, you're no closer than you were when you started. What went wrong?

There are a number of reasons why investigators fail to get the truth from people. In order to overcome these obstacles in your own interviews, it is very helpful to know what some of the most common ones are:

- **Ten percent (10%) of the population will not confess or be persuaded.** You will never get a 100% confession rate. Some people are sociopaths and lack the element of conscience to which we attempt to appeal. Some people simply have too much to lose and would rather take their chances in court. Whatever the reason, there is a small percentage of people who will not confess or be persuaded no matter what.
- **We fail to perform a full investigation before the interview.** We may neglect to verify the victim's story as credible. If we don't fully believe our victim, then we need to resolve those unanswered questions before interviewing the suspect. It will be very difficult to obtain a confession from the suspect otherwise. Perhaps we failed to conduct interviews with other parties of interest, or failed to obtain necessary evidence. In short, if we are not armed with as many facts as possible, taking on the suspect will be an uphill battle.
- **We fail to pick up the subject's passive messages.** We don't listen, or don't know how to listen the right way. While the speaker is talking, we evaluate our response instead of listening. We may miss important body language which is telling us that the suspect is restless, defensive, weary, hostile or even *truthful*. Remember, listening also means *observing* the subject's non-verbal communication. Another problem is finishing the subject's sentences. This destroys rapport and creates potential problems later on in court. If we provide the subject with too much information, we are no longer eliciting information from him—we are providing details which may allow the defense to argue we obtained a false confession.
- **We fail to control the structure of the interview/interrogation.** Too many questions cause confusion as to which question the subject is actually answering. Another common mistake is that the investigator begins the interrogation prematurely. We must conduct a thorough interview first, establishing rapport and a clear baseline of the subject's truth telling style. If we confront or accuse too soon, most subjects will clam up and stop the interview.

- **We don't control verbal and non-verbal behavior.** We fail to realize that many subjects are checking out our body language too. If we lack confidence in the subject's culpability, he will perceive our uncertainty and continue to deny his involvement.
- **We run out of things to say.** During the interrogation phase, we must continuously deploy themes (*stories that help rationalize the subject's criminal behavior*) that will provide the subject with a palatable means of confessing. If the interrogation goes on for very long, it sometimes becomes very difficult to maintain the direct psychological pressure of deploying themes. Some investigators simply give up when they run out of ideas of what to say. We encourage investigators to repeat themes because chances are the subject did not hear or comprehend it the first time.
- **We fail to visit the crime scene.** Visiting the crime scene allows us to get a spatial and visual image of what occurred during the commission of the crime. It provides us with an accurate physical layout of the scene. Not having this information during a suspect interview could prove very detrimental.
- **We don't control our environment.** The interview should be taking place on **OUR** turf—in an interview room at our facility. It's our field, our game, our scorekeeping, our timekeeping. The interview room should be quiet and free from distractions and interruptions. The more we control the environment, the more success we will have in the interview.
- **We don't think about the subject's psychological mindset.** We ignore their feelings and attitudes. Instead of listening and showing empathy, we focus on the process while dismissing – in words or attitude – their emotional needs. This is a rapport-killer, so listen with compassion and the intent to understand.
- **We give up.** The longer you refuse to quit, the greater your chances of success. If they have not yet refused to talk anymore or ask for an attorney, and we call it quits, we self-defeat and create our own failure.
- **Visualize success.** Some investigators go into the interview with a negative attitude. Think of the interview and interrogation process as a game and visualize your success!
- **We forget that we are actually salespeople.** Good salespeople try to sell a product that will benefit the buyer. As law enforcement, we are not selling a physical product, but we are selling a concept – *telling the truth*. It is a difficult sell, but it is achievable with patience, confidence, and a methodical approach.

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