

# *Criminal Investigation,*

Seventh Edition

Chapter Five

Interviews

# *Witnesses and Perceptions*

- There are some basic groups that allow for categorization of individuals, however human nature is much too broad to categorize all types of individuals.
  1. Some individuals may be cooperative and honest, however their views of what happened or what they observed may be altered by their perceptions. Age, physical characteristics and emotions impact the memory of events.

# *Witnesses and Perceptions*

2. Some witness may not wish to cooperate. This may be due to involvement, fear, or other reasons.
3. Some may not wish to talk with police until such time as they feel that they have developed rapport with the interviewer.

# *Issues that Must be Considered*

- Competency of a Witness - competency issues may be based on age, disability or for many other reasons. The investigator must be concerned that the witness is competent to testify.
- Credibility:
  1. Was the witness conscious at the time of the event.
  2. Was the witness under the influence of alcohol or drugs?

# *Issues that Must be Considered*

- Credibility:
  3. How did the witness happen to be in a position of seeing, hearing, or otherwise perceiving the crime?
  4. Where was the witness coming from or going to?
  5. What was the witness doing at the exact moment that the crime occurred.
  6. What else was going on at the time that might have distracted the witness's attention?

# *Issues that Must be Considered*

- Issues that must be studied to reduce change of impeachment of witnesses.
  1. Does the witness have any particular bias, prejudice, or personal interest in the case?
  2. Does the witness have any physical or mental impairments that may affect his or her ability to observe, recollect, or recount the events?
  3. What physical conditions, such as weather, lighting, and visibility, exist at the crime scene?
  4. What is the witness's reputation for being a truthful person?

# *Issues that Must be Considered*

- Eyewitness Identification relied upon heavily, however the following is known about such identifications:
  1. Eyewitness identification and description is regarded as the most unreliable form of evidence and causes more miscarriages of justice than any other method of proof.

# *Issues that Must be Considered*

2. Research and courtroom experience provide ample evidence that an eyewitness to a crime is being asked to do something that a normal human being was not created to be or do. Human perception is sloppy and uneven.
3. It is known that identification errors are not infrequent.

# *Issues that Must be Considered*

- A number of factors are known to limit a person's ability to give a complete account of an event.
  1. The significance or insignificance of the event.
  2. The length of the period of observation.
  3. Lack of ideal conditions.
  4. Psychological factors.
  5. Physical condition of the witness.
  6. Expectancy – what the person expects to happen.

# *Interview Techniques*

- Hypnosis – may be used to enhance memory, however there are questions about the use of this technique. The concerns include:
  - Hypersuggestibility – easily influenced.
  - Hypercompliance – a desire to please.
  - Confabulation – hypnotically enhanced memory, artificially filling in the gaps.

# *Interview Techniques*

- Qualifications of the interviewer –
  - Prepare
  - Familiarity with the facts
  - Establish rapport

# *Interview Techniques*

- Time, Place and Setting:
  - Separate from other witnesses.
  - Support the witness as possible with trained victim support personnel.
  - Interview as soon as possible.
  - Interview in as comfortable circumstances as possible.
  - Assure privacy.

# *Interview Techniques*

- Warm up the interview (establish rapport), work to establish the needed information, then, once the information has been obtained, work to close out the interview.
- Don't lead the interviewee, for example; you don't believe that?"
- Traditional interview – ask questions and then follow up.

# *Interview Techniques*

- Cognitive interview steps. This is a way to add to the interviewees knowledge or recollection.
  1. Ask the witness to reconstruct the general circumstances of the incident.
  2. Ask the witness to report everything they recall about the events and the surrounding circumstances.

# *Interview Techniques*

3. Ask the witness to recall the circumstances in a different order.
4. Ask the witness to put themselves in the place of another person involved and describe the events.

# *Interview Techniques*

- Importance of listening:
  - The interviewer must concentrate, comprehend (what the interviewee is trying to communicate), be an active listener.
- Documentation:
  - Note taking can distract the interviewee, one technique is to tell the interviewee that taking notes will allow them to not be contacted again.
  - Note taking must not preoccupy the note taker.
  - Tape recording may be the most effective method of tracking information/evidence.

# *Interview Techniques*

- Post-interview Self-Evaluation Checklist:
  1. Conduct the interview as quickly, privately, yet conveniently as possible.
  2. Establish good rapport with the witness.
  3. Listen.
  4. Ask good questions.
  5. Control the interview.
  6. Establish the witness's presence, consciousness, and attentiveness.

# *Interview Techniques*

- Post-interview Self-Evaluation Checklist:
  7. Determine any factors that now would affect the witness's competency in court.
  8. Evaluate the witness's potential credibility in court.
  9. Use the right approach in seeking information.
  10. Get complete and accurate information.
  11. Document the interview well.

***The End***