

BASIC INTERVIEWING TECHNIQUES

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INTERVIEWING EXPERIENCES

- What are some positive experiences you have had?
- What were the qualities of the interviewer that made it a positive experience?
- What are some negative experiences you have had?
- What were the qualities of the interviewer that made it a negative experience?

MODULES – INTERVIEWING TECHNIQUES

- Module 1: The Basics of an Interview
- Module 2: Basic Interviewing Skills
- Module 3: Ethical Responsibilities of the Pretrial
Interviewer

MODULE I LEARNING OBJECTIVES

1. Properly identify & address the defendant.
2. Identify interviewing tips.
3. Describe the types of pretrial interviews.
4. Describe several barriers to interviewing pretrial defendants.
5. Describe the basic concepts of interview communication theory.
6. Describe what is meant by interviewer validity and reliability.
7. Describe ways that defendants can be deceptive in interviews.

INTERVIEWING TIPS

- Style the interview to the defendant.
- Talk *with* the defendant, not *at* him/her.
- Follow the order of the interview form/screen to avoid missing questions.
- Don't ask questions mechanically.
- Never refer to defendant by first name. Use Mr. or Ms./Mrs.
- Never get into an argument. You can terminate the interview at any time.
- Always maintain control of the interview. You set the pace.
- If written, make sure interviews are legible.

INTERVIEWING TIPS CONTINUED

- Inform the defendant of the purpose of the interview and that the interview is for his/her benefit. It is in his/her best interest to be honest and cooperative.
- Do not discuss any information regarding the charge/case. Advise the defendant to refer these questions to his/her attorney.
- If a defendant should ever threaten you or spit at you, leave the area immediately and notify the appropriate authorities and/or your supervisor.

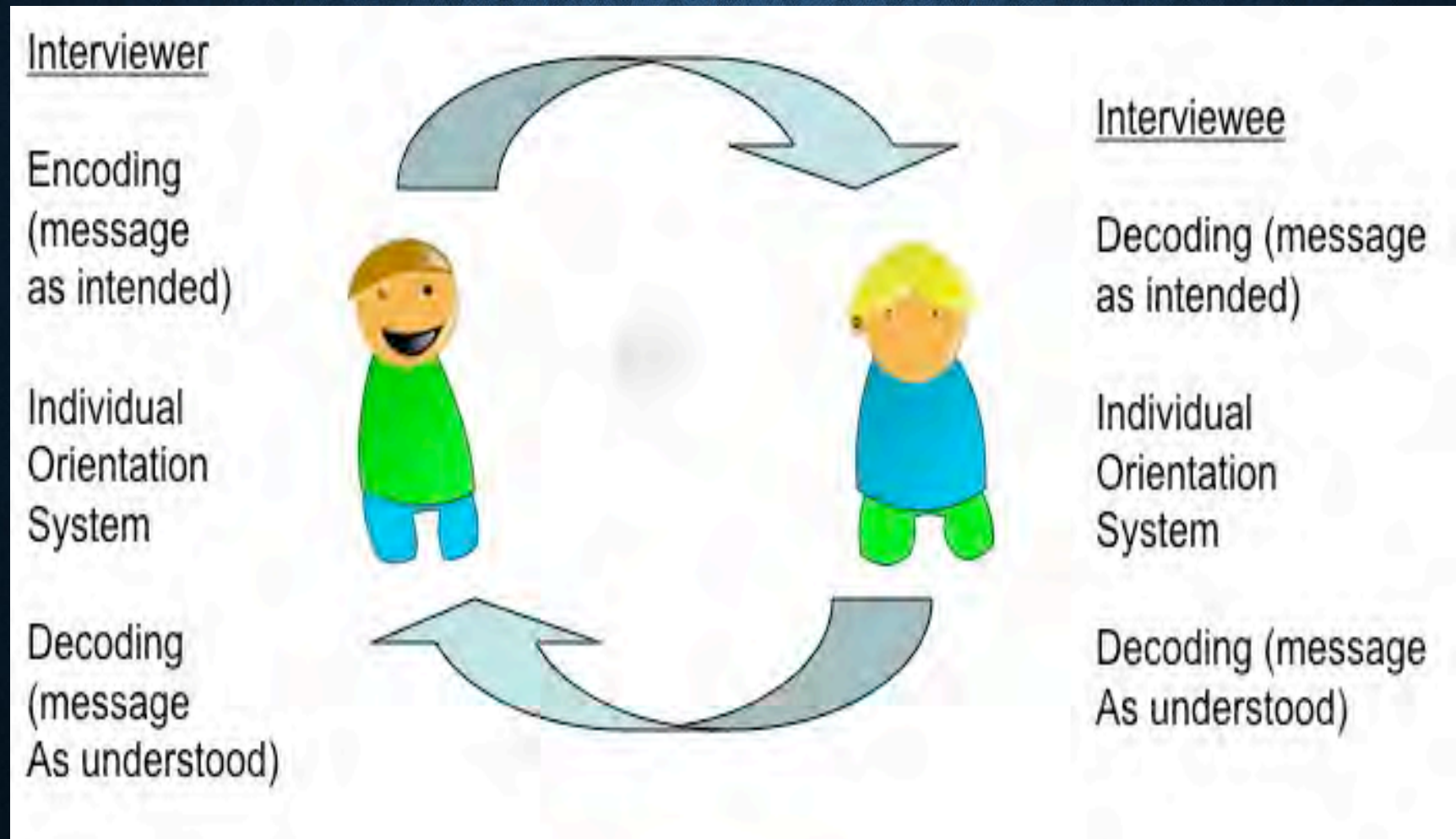
TYPES OF PRETRIAL INTERVIEWS

- Interview of the defendant before the initial appearance.
- Interview of the defendant at release from jail.
- Interview of the defendant at supervision intake.
- Interview of the defendant during supervision.
- Interview with references.

BARRIERS TO INTERVIEWING DEFENDANTS

Barrier	Response
Defendant angry, depressed, frightened, or confused	Use good interviewing skills
Defendant intoxicated or on drugs	Get as much information as you can, try again later, as needed
Language Barriers	Use an interpreter
Defendant has mental illness	Get as much information as you can, refer the defendant for mental health screening

COMMUNICATION THEORY



ESTABLISHING COMMONNESS

OPPORTUNITY IS NOWHERE

COMMUNICATION

- The responsibility of the interviewer is to try to establish commonness.
- To be a good interviewer, you need to first be a good listener.
- If you rearrange the letters in the word listen, you come up with “silent”.
- 45% of communication is listening,
30% speaking, 16% reading and 9% writing.

VALIDITY AND RELIABILITY

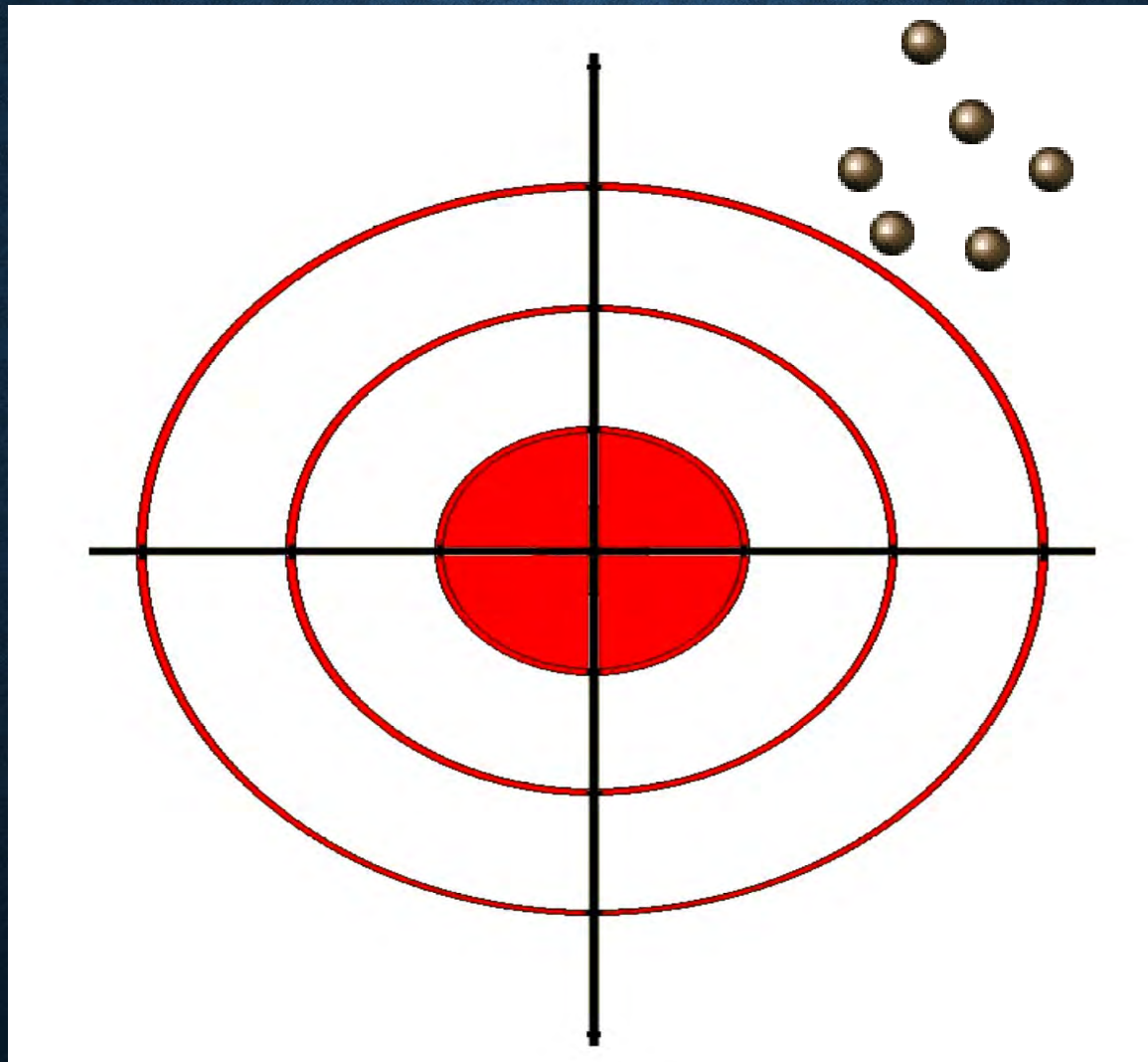
- What is Validity in relation to an interview?

Extent to which interviewer collects accurate and complete information.

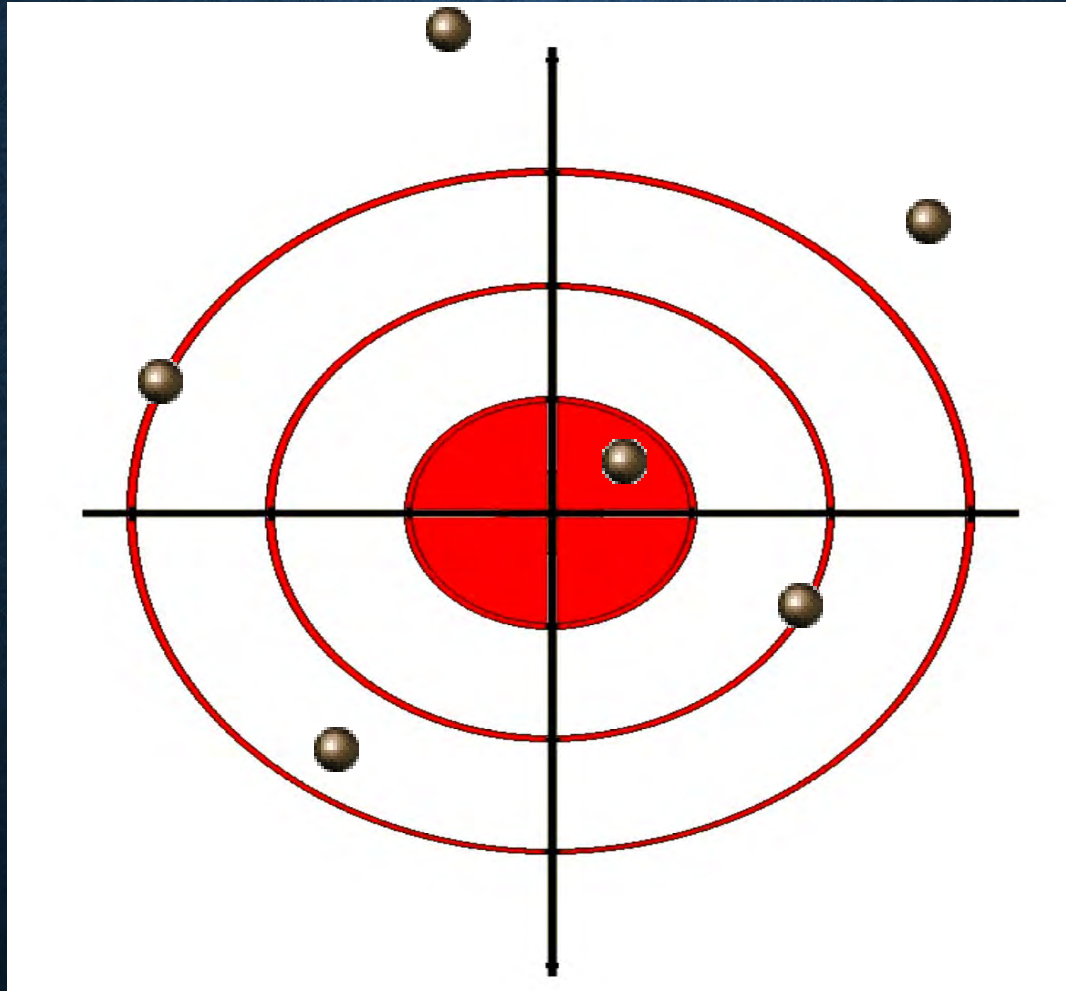
- What is Reliability in relation to an interview?

Extent to which all interviewers get the same information from the same defendant.

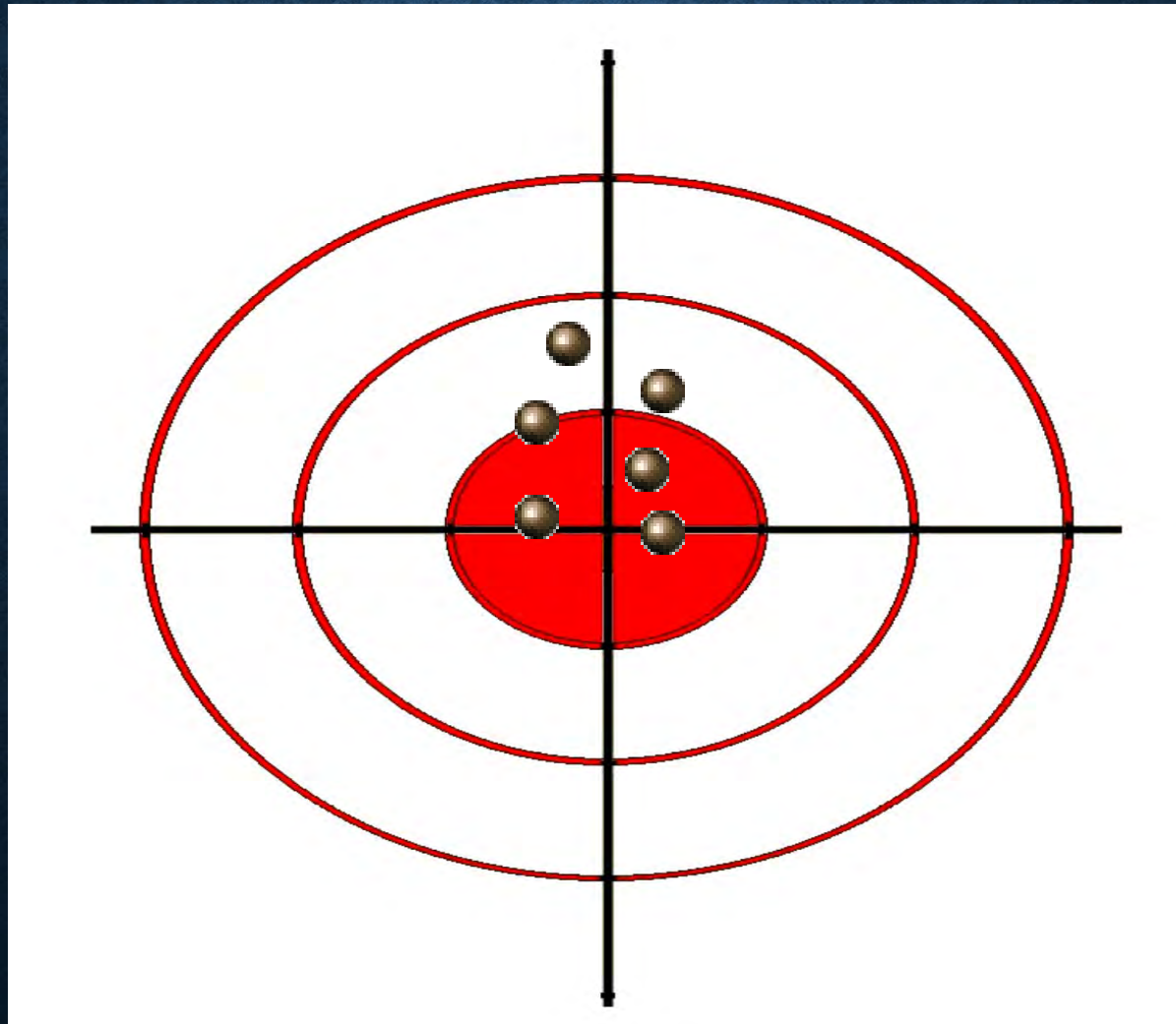
Valid, reliable, neither or both?



Valid, reliable, neither or both?



Valid, reliable, neither or both?



FINAL THOUGHTS ON VALIDITY AND RELIABILITY

- Release decisions assume that the information gathered is valid and reliable. If they are not, bad or inconsistent decisions are being made.
- The pretrial interview is a structured interview – you will, at times, need to ask follow up/probing questions not on the interview form to clarify points or resolve discrepancies, the basic questions are pre-determined.
- Structured interviews aid in achieving validity and reliability, but only if interviewers observe basic interviewing skills.

DECEPTION

A person wearing a dark suit is shown from the back. Their right arm is raised with the palm facing forward, while their left hand is behind their back, pointing their index finger directly at the viewer. This visual metaphor represents the concept of deception.

Why might defendants use deception?

Two primary types of lying/deception:

- Conceal information
- Give false information

RESEARCH ON DECEPTION

- Most people are not good at detecting when someone is lying.
- Non-verbal communications (body language, tone, volume, etc.) are not always good indicators of whether someone is telling the truth.
- Most people increase eye contact when telling lies.
- A truthful person under stress may appear to be lying.

MODULE II

Basic Interviewing Skills

MODULE II LEARNING OBJECTIVES

Describe the following interviewing skills:

1. Empathy
2. Pacing
3. Probing
4. Concreteness
5. Confrontation

EMPATHY

What is it and why is it important?

- Empathy is considering the frame of reference of the person you are interviewing.
- Empathy helps establish trust and rapport.
- Empathy has been described as the “lubricant” of the interview.

COMMUNICATING EMPATHY

- Full attention to defendants.
- Not being authoritarian, condescending, arrogant, patronizing, or judgmental.

PACING

What is it and why is it important?

- Don't go so fast that the defendant feels rushed and does not give you a complete interview.
- Not too slow that you both lose focus and you never get your work done.

NOT TOO FAST

Settle into a pattern

BUT.....

Don' t get too comfortable

NOT TOO SLOW: KEEP THINGS MOVING BY....

- Maintain eye contact
- Face defendant
- Avoid distractions
- Focus on question asked

PROBING

What is it and why is it important?

- You give the defendant a second chance to clear up any incorrect or incomplete information.
- You show the defendant that you have an interest in making sure that you understand him/her correctly.



PROBING EXAMPLE

- Interviewer: “OK, so you live at this address and this address only? You have no other addresses that you ever stay at. Is that correct?”
- Defendant: “Yes.”
- Interviewer: “And your reference is going to verify that?”
- Defendant: “Well, I do sometimes stay at my girlfriend’s.”
- Interviewer: “OK, how many nights a week are you at your girlfriend’s?”
- Defendant: “Five.”
- Interviewer: “OK, what is the address at your girlfriend’s?”

WHEN TO USE PROBING

- End of a section
- End of the interview
- Concerns? Suspensions? Inconsistencies?

CONCRETENESS

What is it and why is it important?

- It requires seeking clarification and more specific information.
- By being concrete, you will get an interview that is precise and specific.

CONCRETENESS EXAMPLE

- Interviewer: “When was the last night you slept there?”
- Defendant: “I sleep there every night.”
- Interviewer: “That doesn’t answer my question. What night did you last sleep there?”
- Defendant: “Last night.”

CONCRETENESS EXAMPLE

- Interviewer: “How long have you worked at that job?”
- Defendant: “Two years.”
- Interviewer: “What was the last day that you worked at that job?”
- Defendant: “Well, things have been slow the past couple of months, but my boss told me he would call me in as soon as things picked up again.”
- Interviewer: “So you are not currently working, is that correct?”
- Defendant: “I have a job, but I’ m just not working at it right now.”
- Interviewer: “So what was the last day that you worked at this job?”
- Defendant: “About three months ago.”

TYPES OF QUESTIONS

- Open-ended versus close-ended
- Direct versus indirect
- Funneling
- Leading

OPEN ENDED VERSUS CLOSE ENDED QUESTIONING

“Where are you going to live if you can’t go back home with your wife?” (Open ended)

“Are either your mother or brother going to let you stay with them?” (Close ended)

DIRECT VERSUS INDIRECT QUESTIONING

“I’m wondering where you were between the time you left your parent’s home in Austin in 2018 and you arrived here in 2020?” (Indirect)

“Where did you live before you moved here earlier this year?” (Direct)

FUNNEL SEQUENCE

- Interviewer: “Have you ever been treated for drug use.”
- Defendant: “No.”
- Interviewer: “Have you ever used any kind of illegal drugs?”
- Defendant: “No.”
- Interviewer: “Have you ever used marijuana, cocaine, PCP, heroin?”
- Defendant: “No.”
- Interviewer: “Have you ever used pain killers – vicodin, oxycotin?”
- Defendant: “Yes.”
- Interviewer: “What were you using?”
- Defendant: “Oxycotin.”
- Interviewer: Did you have a doctor’s prescription for it?”
- Defendant: “No.”
- Interviewer: “When was the last time you used it?”
- Defendant: “Yesterday.”

LEADING QUESTIONS

- Interviewer: “Are you still living at the address on your driver’s license?”
- Interviewer: “Are you going to live with your mother since you can’t return home to your wife until this charge is resolved?”

CONFRONTATION

What is it and why is it important?



Confrontation is the responsible unmasking by the interviewer of any discrepancies, distortions, games or smoke screens by the defendant.

WHEN DONE CORRECTLY ...

- Confrontation is not arguing, lecturing, threatening, interrogating or badgering.
- Confrontation is an invitation to clear up a matter.

EXAMPLE OF RESPONSIBLE CONFRONTATION

- Interviewer: “How long have you lived at that address?”
- Defendant: “I’ve lived there all my life.”
- Interviewer: “What is your zip code?”
- Defendant: “I don’t know.”
- Interviewer: “You’ve lived there all your life and you don’t know your zip code?”
- Defendant: “I don’t send myself mail.”
- Interviewer: “Did you go to school in that neighborhood?”
- Defendant: “Yes.”
- Interviewer: “What was the name of the elementary school you went to?”
- Defendant: “I don’t remember.”
- Interviewer: “You’re going to have to help me out here. On the one hand, you say that you have lived at this address all your life. On the other hand, you don’t know your zip code or the name of the school you went to. Can you clear this up for me?”

RISKS OF CONFRONTATION

- Damages rapport
- Easily backfire
- Increases deception

MODULE III

Ethical Responsibilities of the Pretrial Interviewer

MODULE III LEARNING OBJECTIVE

Understand and describe the ethical responsibilities of a pretrial interviewer

1. Staying Neutral –Unbiased
2. Recusals
3. Talking about the case/charge
4. Reporting threats
5. Getting the information right

STAYING NEUTRAL

- Positive halo: the interviewer has a positive impression of a defendant that affects how carefully the interview is conducted.
- Negative halo: the interviewer has a negative impression of the defendant that influences how the interview is conducted.

RECUSALS

- Stay away from people you know.
- Stay away when you know the victim.
- Recuse yourself when you can't put biases aside.

TALKING ABOUT THE CHARGE

- **DO NOT** talk about the case/charge(s)

Nightmare exchange:

- Interviewer: “Who do you live with?”
- Defendant: “I did live with my wife until I killed her last night.”

REPORTING THREATS

- Defendant: “I’ m going to kill that [complaining witness] when I get out.”
- Affirmative duty to warn the defendant and report any threats.

GET IT RIGHT!

**You owe it to the defendant and
the criminal justice system!**

ANY QUESTIONS?

GOOD LUCK!

CONTACT INFORMATION

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