Interviewing the Suspected Offender

Captain Matt Sparks
Kentucky State Police

SUSPECT/PERPETRATOR INTERVIEWS

- Not just for child abuse cases !
- Your goal should always be to find the truth. Obviously CONFESSION or ADMISSION helps!!!
- Interviews are like fishing, patience, right bait, always looking for bites, set the hook & reel in.

SUSPECT/PERPETRATOR INTERVIEWS

- When do we interview suspect?
- KEY is ELEMENT OF SURPRISE!
- You want to be his/her first hint of allegation (issue with adv.centers)
- DO NOT call & schedule
- Will not wait until your next shift!
- Longer you wait better chance suspect has of learning of allegation, thus he plans.

SUSPECT/PERPETRATOR INTERVIEW

- Where do we interview suspect? Home, work, post, car?
- Do we record suspect interviews?
- Car is great, confined, close, good tapes.
- Work can add stress, but gives easy way out
- Home he feels power, most dangerous for you, distractions can include television, telephone, spouse, other children, friends.

SUSPECT/PERPETRATOR INTERVIEWS

- KEY is to limit distractions.
- Suspect will use distractions to regain their thoughts, & keep control of interview.
- Distraction gives him time to think, and plan his responses to your questions.

SUSPECT/PERPETRATOR INTERVIEWS

- Physical setting of interview;
- No desk or table between you
- Able to move in to personal space, (safety)
- Don’t sit lower than suspect

SUSPECT/PERPETRATOR INTERVIEWS

- Do we Mirandize suspect?
- No, No, No, Unless custodial interview.
- Know difference between non-custodial & custodial?
- What suspect thinks or feels about custody.
- Address this at start of interview.
- Not under arrest, can leave or ask me to, can get out of car at anytime, free to leave..!!

SUSPECT/PERPETRATOR INTERVIEWS

- Supreme court decisions concerning non-custodial, non-Miranda issues:
- Beckwith V.. U.S. 1976
- California V. Jerry Beheler 1983
- Oregon V. Mathiason 1988

SUSPECT/PERPETRATOR INTERVIEWS

- We do not go to trial in supreme court!
- Discuss “Non-Miranda, Non-custodial” with your prosecutors, and judges.

SUSPECT/PERPETRATOR INTERVIEWS

- IF YOU DO NOT USE MIRANDA
- HAS TO BE NON-CUSTODIAL
- SUSPECT HAS TO UNDERSTAND THAT HE/SHE IS NOT IN CUSTODY!!
- Have to leave without arrest at that time!!

Why We Don't Get Confessions

SUSPECT/PERPETRATOR INTERVIEWS

- OPENING COMMENTS TO SUSPECT
- *Self introduction, need to talk about a matter that has been brought to my attention, reported, (Explain non-custodial)*
- Good time to get personal information, DOB/S.S./Address, other family members
- *Just like victim interview, watch body language now, for later comparison*.

SUSPECT/PERPETRATOR INTERVIEWS

- They may ask, what's this about, may not.
- If they don't ask, I will ask them if they know what this concerns.
- Often give info about other crimes.
- May say, "It's about Joey/victim."
- What about Joey? They accused me!
- Who accused you? (Other witness?)

SUSPECT/PERPETRATOR INTERVIEWS

- May provide you name of other witnesses, someone who has confronted them that may not be the reporting source.
- If they still say they don't know what it's about then I respond with something to effect, "I'm looking into some allegations concerning you and ???/victim." (LISTEN TO RESPONSE!!!!!)

SUSPECT/PERPETRATOR INTERVIEWS

- Frequently they will go immediately to SEXUAL!
- "I HAVEN'T TOUCHED THAT GIRL!"
- Still no response, continue to be vague, "It's about some improper things between you &

SUSPECT/PERPETRATOR INTERVIEWS

- Again if he goes to Sexual you can ask, why this when I could be here because of discipline, cursing, neglect, etc…
- If he/she still doesn't bite, "It's about some sexual things between you & victim." May tell you exact crime. (annual sex tape.)

SUSPECT/PERPETRATOR INTERVIEWS

- Depending on allegation, if semen or physical evidence can be recovered, I may quiz suspect to lock him in before telling him allegation.
- Normal sex life, frequency?
- Recent affairs?
- You & wife/friend had sex on daughters bed, floor, car. Masturbate there? Your first question was about normal sex life.

SUSPECT/PERPETRATOR INTERVIEWS

- Still no reply. Smallest, or most minor part of allegation, comments, kiss, fondling, all before sex/sodomy.
- When you have one of the lesser evils, tell them "look I know you kissed her, fondled her"

SUSPECT/PERPETRATOR INTERVIEWS

- It is usually easier to get admissions on the lesser evils first. Stay firm in the fact that you know he/she did this act! “I think when I get finished with this investigation, I will be able to prove you did this.”

SUSPECT/PERPETRATYOR INTERVIEWS

- EXPECT DENIAL!!!!
- After denial is good time to ask for permission to search, sign it, (FORM)
- Sell Search with wording, not worried at this time about a burnt roach in an ash tray
- Does vaseline, green lotion, condoms, BACON GREASE prove he did it??
- No but does it help? (TAPE)

SUSPECT/PERPETRATOR INTERVIEWS

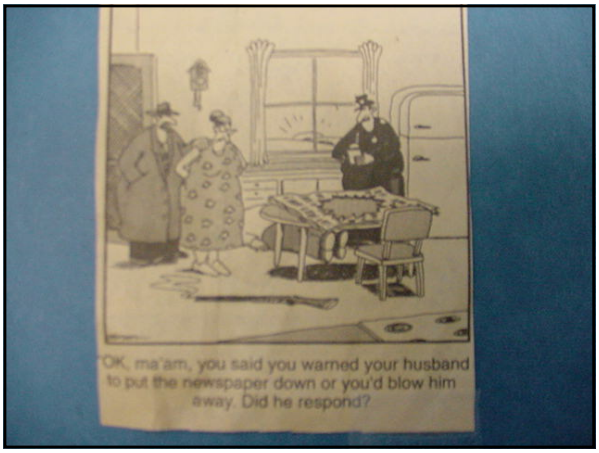
- Does he know that lotion, and other lubricant’s can or can not be found in child’s rectum, vagina?
- Other evidence? Can include sheets, bed clothing, trash items, paper towels, wash cloths, towels, pubic hair, (rubber gloves required!!)

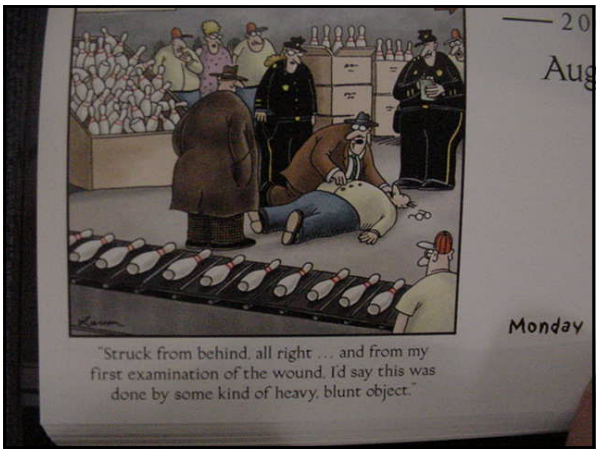
SUSPECT/PERPETRATOR INTERVIEWS

- After search evidence envelopes marked clearly and placed in front of him, his name & a case number on it as you continue to talk. (Don't address it until he does or until you leave with nothing…)
- EVIDENCE, when none exist!!!!
- The BLUFF!!! (To be continued)

SUSPECT/PERPETRATOR INTERVIEWS

- If he admits to lesser evil, get details on that admission as soon as possible. When, often will give dates that victim could not, Where, how many times. Can often give dates when victim may not.
- Don't have tunnel vision of wanting full confession to the extent you miss other admissions or corroborating statements.





SUSPECT/PERPETRATOR INTERVIEWS

- Still no admission!!!
- Divulge all of complaint, rape, sodomy, fondling….
- EXECT DENIAL! I will tell you why later, (16 Years)! But do not quit, be patient!

SUSPECT/PERPETRATOR INTERVIEWS

- ACHILLES HEEL/ WEAK SPOT
- Their Heel can do both, Keep you from getting confession, or help you get confession.
- Their Heel may or not be one of their fears
- Look at entire investigation to locate their Heel & listen, listen, listen, to the statements they make.

SUSPECT/PERPETRATOR INTERVIEWS

- Why don't they confess? Why deny it?
- Deny for one of the following reasons;
- FEAR of going to jail
- FEAR of losing child, (for right & wrong)
- FEAR of losing wife, family.
- FEAR of losing job.
- FEAR of being labeled as molester/pervert

SUSPECT/PERPETRATOR INVERVIEWS

- If he has given you one of these fears, now is time to address it. If he hasn't given fear, you don't give him one yet.

"I'm not a child molester. Someone should be shot for doing this, this is sick" (minimize)

- Address this; two type of men speech, alcoholic/person with a problem vs. molester. THERAPY/COUNSELING can help the one type Can use term "disease". Which type are you??
- Just like alcoholic, might have fought this for months, years, drink in face...

FEAR OF BEING KNOWN AS CHILD MOLESTOR/PERVERT

- This fear may be of you thinking this. May be of his family thinking this, or the public.
- Address the one you hear.
- Wife/family- they love you, & you them would want you to get help for any problem.

FEAR OF BEING LABELED AS MOLESTOR/PERVERT

- Public knowing; these type of cases are confidential, even I could get in trouble for divulging.
- If he has addressed fear of you thinking this, you have hopefully already convinced him you don't, but may have to add how common this is among, men,his age, his background, (Marriage problems,,,)

FEAR OF LOSING FAMILY, WIFE, OR CHILD

- She stood by you before, she loves you.
- She will get mad, she knows there is a problem that can be fixed, COUNSELING THERAPY
- I will talk to her and tell her this is common, you were strong enough to face problem.
- Child loves you, all she wanted to change about you. "I love my child" I believe child!

FEAR OF LOSING FAMILY, CHILD

- “They will take my kids”
- Social Services primary goal is to keep families together and help them work through their problems, they often arrange THERAPY, COUNSELING for these types of problems.

FEAR OF INCARCERATION, DETENTION, JAIL, POKEY

- Do not bring up if he doesn’t UNLESS you are CERTAIN this is why he is holding back.
- “I have never been in trouble before,” or minor trouble. (You would respond, yes I know and this will really help
- I will tell prosecutor & judge you told the truth, didn’t have to, this is always a factor.

FEAR OF JAIL

- Can tell prosecutor one of two things!
- No, or minor record, made mistake, but told truth.
- Or you did it, but insist on calling your child a liar.
- When situation permits, (child safe) as last resort on this fear, you can tell him that you will ask for summons instead of warrant.

FEAR OF JAIL

- “I would go to jail forever, how long?
- You have nothing to do with time other than telling prosecutor and judge that you feel he is good guy, no record, who simply made mistake. You have requested THERAPY, COUNSELING

WAYS TO MINIMIZE

- People get THERAPY, COUNSELING, help for this type problem all the time.
- Look for ANY response to this statement. Might say “I would be willing to...”
- May provide excuses for them, blame victim, alcohol, drugs, hormones, other people have done same, divorce, sickness

AFTER MINIMIZING

- Could you have touched her accidentally, something she would have mistaken.
- Listen for any excuse they may offer. Get details of any accidental touching he may describe.
- If he goes for accident, tell him you know he is trying, but he knows and the victim knows this is not what happened.

STILL NO ADMISSION!!

- If I was in your shoes I would be afraid to admit too, and I would wonder what would happened to me if I did this.
- SILENCE!!! Don't be afraid, listen... Does he bite???

STILL NO ADMISSION!!

- "I know I will go to jail for 20 years"
- Can't lie, tip toe around. Hopefully you can get COUNSELING/THERAPY get back on the right track. (You did not say your not going to jail.)
- 99 out of 100 inmates

LOOKING FOR ADMISSION!

- I can tell judge, prosecutor that you were honest, made a mistake, happened only once, and you are willing to get COUNSELING/THERAPY.
- The fact you were honest sounds better .
- Looks better that you were honest before test results came back, & already caught
- When I was child more trouble for lying.
- Compound things by lying to State Police.

LOOKING FOR ADMISSION!

- En-route sell him on polygraph and WHY you feel he will fail it. (D.N.A., etc…)
- If he makes excuses use against him.
- Not accident will come out on polygraph.
- Your trying, but will not help your family, or clear this up to lie about how.

ADMISSION!!!!!!

- If he admits will want to save some pride.
- Don't interrupt.
- Go back for details when he finishes, (same as you did for child)
- Don't challenge statement for complete description first time he tells it.
- Get dates, locations, any evidence he will describe. Let him make small admissions first, and then use against him to get others.

ADMISSION!!!!!

- Can't clear this up until we get whole story! Not just part of it, COUNSELORS & THERAPISTS need whole truth.
- Admire you for; partial truth, not calling child a liar, but let's get this all over at once not have to come back later. Judge will ask if your were completely honest and I will have to tell him you tried, but were not. You will feel better getting all off your chest.

ADMISSION!!!

- Get details, details,,, any evidence.
- Don’t forget other acts, even if child did not tell you. Ask!!!!
- Ask about other people/children?? “Don’t want more to come up later, counselors need whole story.