

by Douglas E. Wicklander and David E. Zulawski



The Process of Interrogation

Part Three: Denials

In this month's column, we look at the issue of suspect denials and the critical role they play in the interrogation process. By better understanding the factors that can cause or influence denials, you will be in a better position to control the interview and gain a confession from a guilty suspect.

Certainly, the fears of the suspect play a role in the decision to confess, but the way a suspect is approached by the interrogator is undoubtedly a greater factor. Every individual has a learned predisposition to deny, which is an avoidance behavior learned as a child. This learned behavior attempts to avoid the consequences of an illegal, dishonest, or shameful act. The interrogator must anticipate what actions or behaviors the suspect will engage in to counter the accusation of wrongdoing.

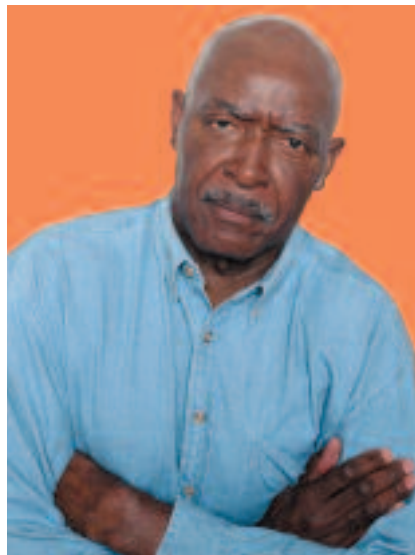
The role of the interrogator in the confrontation should be to avoid forcing the suspect into a position where he or she must deny. Traditionally, interrogators have been trained to do the same things each time they confront a guilty suspect, a tactic that often influences the suspect to deny, rather than make an admission of guilt.

Reasons for Denials

When considering the reasons a suspect might deny, we find that they will break down into three basic areas—environment, suspect, and interrogator. The suspect's decision to deny is often directly influenced by the choices the interrogator makes and the strategies

chosen to engage the suspect in the confrontation.

Environment. The timing of the interview, location, room setting, witness selection, and other factors all may play a role in the suspect's decision to confess.



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The resources and flexibility of the interrogator may dictate many of these factors.

Suspect. The suspect will often deny because of past experience with the criminal justice system. During a confrontation the suspect is making

decisions about what the interrogator knows and the evidence that may have been uncovered during the investigation. The suspect reacts to the interrogator and his strategies, either reducing resistance to a confession or increasing it. Other suspects simply use the denial to buy time to evaluate the investigation and interrogator.

Interrogator. The interrogator makes the largest contribution to the suspect's decision to deny. The interrogator's confidence in the suspect's guilt, word usage, and plan of attack help to define the probable response of the suspect.

The interrogator must look at the behavior of the suspect in all aspects of his daily life to be able to answer the question, "How is the suspect likely to react when told that his involvement in an illegal act has been uncovered?" The answer to this question can often be found in how the individual reacts to conflict.

Since people are creatures of habit, we tend to respond to similar problems with a preset response. The child who is disciplined by a parent may react with anger or a sullen silence. Once the parent learns the child's preferred response, he can create an approach that leads to a more satisfactory behavior by the child.

The individual's choice of a strategy will be based on what the suspect has found to be successful in the past. The identification of the suspect's likely response can often be discovered by

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asking the question, "If the suspect has ever been disciplined or confronted, how did he react?"

Once the interrogator identifies the probable suspect response to a confrontation, he makes a decision on what approaches may or may not be effective. The interrogator should devise an approach that does not encourage the suspect to use that previous strategy. For example, if the individual is generally aggressive in confrontations, the interrogator should devise an approach that will not allow the suspect to become aggressive. This might mean that the witness selection or the location of the interview would be used to control the suspect's decision-making process.

The traditional thinking in interrogation has always been to use a non-supportive environment for the suspect interview. This may or may not be effective because of the needs of the subject. The positioning of the participants in a room might change because of the need of the interrogator to create a certain mindset in the suspect.

Forcing a Denial

Regardless of the other factors, the interrogator should make a conscious decision about forcing the suspect to make a denial. Once the suspect has made a denial, he or she is now forced to defend the lie with additional denials. This places the suspect in a position of having to continually lie to defend himself. It is often easier for an individual to make an admission if he has not been forced into a position where he had to lie.

As we are all aware, there are certain situations where the suspect's lie can work in the interrogator's favor. In fact, a lie may be as good as a confession in some instances. Encouraging a suspect to tell lies can increase the value of the evidence that was developed during the investigation. Direct contradiction of the suspect's statements with irrefutable evidence can also be a powerful wedge in bringing out the truth, but it does not always result in a confession from the guilty. In some instances, the presentation of overwhelming evidence by an interrogator may have the reverse effect of increasing the suspect's resistance to a confession. The obvious benefit to the investigation, when a suspect chooses not to confess, is he has to live with the lie he chose to tell which the evidence now contradicts.

In the next column, we will look at the four parts of an interrogation and examine how each one influences the suspect and the outcome of the interview. ■

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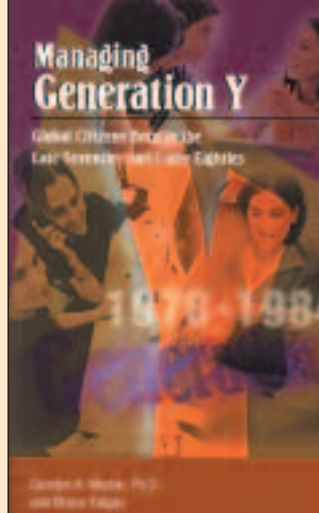
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