Criminal Investigation Manual

Introduction

This manual will supplement the instruction given in the Criminal Investigation Course presented to the Indiana Law Enforcement basic trainee attending the fifteen week Tier I course in Plainfield. This training can be used for the different types of individuals that you may have the opportunity to interview whether it be persons who may have information, the complainant, a witness, a suspect or the perpetrator.
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A few years ago the Indiana Law Enforcement Academy conducted a survey of Indiana law enforcement departments, their chiefs, sheriffs, directors and the men and women who keep our streets safe. This survey was an inquiry into what these law enforcement officers considered additional needed training during the twenty-first century in conjunction with the Criminal Investigation Course. There were two issues that were named: Neighborhood Canvassing and Note Taking.

**Neighborhood Canvassing**

Neighborhood Canvassing is considered an “intensive inquiry.”

**The purpose of the inquiry**

**Witnesses - seeking out**

- Who may know they have information
  - Those law abiding citizens who have information about a crime or occurrence and will freely and willingly give what they know about the occurrence.
- Who may not know they have information
  - Until being questioned by law enforcement and their memory is jogged.

**Perpetrator(s) - attempting to identify**

- Safety is an important issue in the inquiry as you may have the opportunity to unknowingly talk with the perpetrator
- This can be a shock to their security as they see you approach their doors. They may think they have been identified and take drastic measures to assure their escape.
- Use your safety approach to every door you knock on
- You may during a conversation get an admission or in some cases a confession. Just realize that an admission is not a confession, but you may be able to put the person interviewed in the area and at the time of the commission of your inquiry

**Security Cameras-attempt to locate and secure video**

- We live in an age of technology that can be of assistance to the investigating officer
- Seek out security video cameras in the area of your investigation
  - City or town video cameras
  - Business video cameras
  - Home owner video cameras

This “intensive inquiry” of a neighborhood canvassing must be conducted as soon as possible in order to obtain information while it may still be fresh in a witness’s recollection.
Persons To Canvass

There are, surely, additional persons who may have information about a crime or occurrence you are investigating, however, these are suggested to give you an idea of some sources of information.

- **Neighbors** - while carrying out this inquiry, don’t just limit yourself to those houses on either side of where a crime occurred. Canvass from all locations who may have had the vision or hearing ability to have information.
- **Mail Carrier** - Certainly the mail carrier knows who lives in the neighborhood and vehicles that belong in a particular driveway or on the streets.
- **Delivery Persons** - From the pizza delivery to furniture delivery.
- **Utility Meter Reader** - For the most part, some homes still have meter readers who walk the neighborhood reading meters.
- **Telephone Company Workers** - Could have been up on a telephone pole and observed suspicious persons or vehicles.
- **Paperboy** - Knows all his/her customers in the neighborhood. Who belongs, who does not?
- **Others** - Think of others who may have information

Remember that during the canvass you are looking for information on person out of place, or strange and suspicious vehicles in the area.
Canvass Considerations

To conduct a thorough, complete, non-cursory canvass during an investigation, the following should be considered.

- It is time consuming
- It can tie up personnel
- It requires careful administrative control
- Every person in the area must be contacted and interviewed
- It requires patience and thoroughness
- It is not employed frequently by police departments

Note Taking

Note taking is an important part of any investigation. It is a chronological account of the responding officer's observations and activity at the scene. It is important in that these notes will be used for writing of an original report. For that reason good notes must be taken and transcribed formally into words, sentences and phrases of the investigation. These notes will contain such areas as:

- Arrival time
  - Arrival observations
- Departure time
- Assignment of assisting personnel
- Names of assisting personnel
- Directions given to technicians for processing
- Record of what was said by
  - Complainant
  - Witnesses
  - Suspect

It is wise to use an ink pen when note taking as any pencil erasures may be questioned in court. Also notes should be taken on a loose leaf type notebook or one with spiral binder so that they can be removed and placed on file making the notebook open for the next investigation. Nothing more embarrassing than reviewing your notes while testifying in court and the defense finds additional note taking from other investigations.
Interview Techniques

Interviewers and Interrogators are not born, but instead are created with training, practice and longevity. Interviewing differs from Interrogation in that it is a search for information; information that may help to support the proof that a crime has been committed and leads that may seek out a person who has committed the crime in question.

An interview is a conversation, of sort, but must be under the control of the interviewer. Questions must be so coordinated and formed that there is no misunderstanding in what the needed response should be. An interviewed person, or person believed to have information about a crime or occurrence must be given the opportunity to give their own narrative of the incident under investigation. However, the information given must not go unquestioned. In other words the narrative must be broken down into segments that spells out details.

Hypnotic Interviews and Interrogation

Hypnosis is simply defined as an altered state of mind or the existence of a trance. It is indeed a heighten form of concentration in which there is an increased response to suggestion. There have been many individuals who have studied hypnosis and have argued about its usefulness for more than 200 years even though no one is sure how it really works. Studies by Sigmund Freud, Pierre Janet and Clark Hall since the 1800’s experimental proponents but most of their studies have now been abandoned more in the favor of in the favor of psychoanalysis i.e. Cognitive Interviews/Interrogations.

Some of the general characteristics of hypnosis are:

- A trance
- Extreme suggestibility
- Relaxation
- Heightened imagination

It is more compared to daydreaming

Some of the forms of everyday hypnosis are:

- Reading a book
- Driving
- Mowing the lawn
- Watching the television/movie
Supreme Court Case (Burns vs Reed, 500 U.S.478 (1991))

From an Indiana case:

There is an Indiana homicide case in which a department was investigating a homicide in which a suspect submitted to being put into a hypnotic trance, in order to search for the truth. The investigators sought approval from a prosecutor as to the legality of putting her under hypnosis to obtain information. The officers were told they could proceed with the hypnosis. While under hypnosis, the subject said the perpetrator was named Katie (which was not her name) and even called herself Katie. The investigators believed her to be the person who had murdered two other people and had acted as a split personality. It was at that point the officers met with the prosecutor and after informing him of their investigation. The prosecutor told the officers they had probable cause to arrest the subject. They arrested the subject for a homicide. The following day the officers appeared before a county court judge for a probable cause hearing for a warrant to search the arrested subject’s house and car. They told the judge the subject had confessed to the murder of two persons. During this hearing neither the officers nor the prosecutor advised the court the confession was obtained under hypnosis.

At trial the judge granted the arrestee’s motion to suppress the statements given while under hypnosis. As a result, the charges were dropped by the prosecutor’s office. Civil suits were filed by the arrestee.

Therefore, admissions and confessions obtained while a subject is under hypnosis are not admissible evidence in the State of Indiana.

**Question:** Can information gained from a hypnotized witness be admissible in Indiana Courts?

**Answer:** You can use the information obtained for you investigation, but it will not be admissible in court.

**The interview Structure**

No matter where you are i.e. in a police unit, police department, private home, hospital or in a field of corn, if you don’t use the interview structure you will not get all of the information that a person has about an event. It is a very simple structure with integrated parts. We will explore those in the following structure.

- Beginning
- Middle
- End
This is known as the warm up period when you establish rapport with the subject. Establishing rapport is very important and helps you to put the witness at ease and get them to trust you. You should provide your identification and tell them the purpose of the interview. “Mr. Brown, we understand that you have some information that we can use in order to stop the thefts from the vehicles in your apartment parking lot and with that information it will help us identify the person who is guilty of the thefts.” Put the witness at ease and give them reason to give you the information you seek. You are seeking information about your investigation and evaluating to see what kind of witness you have and what investigative techniques you will use.

After establishing rapport, you will begin the questioning process. Remember to stay on your objective/mission. Your mission is to obtain all the relevant information the subject has about a crime or event. As you interview the subject make sure that if you repeat the subject’s narrative that you know the witness’s story when you repeat it. Nothing will turn a witness off more than to not repeating what they just told you correctly. They will get the idea that you are not listening to them. Be a good listener. After the witness has related their story make sure that you ask your clarification questions in a systematic/chronological order that are simply formatted. Do not use police jargon. You need to ask one question at a time and get an answer before asking another one. If you ask several questions of the witness, you will probably only get the answer to the last question you asked them. Above all, keep the witness talking.

Remember that you are in charge of the interview and as such you will direct the flow of the interview. Ask positive questions. If you ask a negative question, you will probably get a negative answer. “Mr Smith, you really didn’t see the get-away car did you?”

Even the words you use in a question can mean a difference in the answer you get. Let’s suppose you are investigating a vehicular homicide and you ask a witness this question: “When you were at the accident scene, did you see the broken headlight?” What are you telling the witness? That there was a broken headlight. Yes, and even though they may not have seen a broken headlight, they will assume there was one from your question and answer yes because you used the word “the.” The question should have been, “When you were at the accident scene, did you see a broken headlight?” Give the witness the opportunity to give you the information you seek on their own. Do not influence their answers.
Ending

What should be the length of time you conduct an interview? There is no set time limit, but should be considerate. Most interviews will last from fifteen minutes to an hour, depending on the investigation at hand. It also depends on the witness attitude, cooperation and motivation(s). The interview ends when you have accomplished your mission. Your mission is to obtain all of the relevant information the witness has about the crime or event. At this point you would give one of your department business cards to the witness and ask if you needed to talk with them again if they would come to the station or if you might come to their house. And if the interview occurred at the department, be sure to walk them to the exit door and thank them.

Post Interview Evaluations

One way to help you to become a better interviewer is “self-evaluation.” Create an evaluation form for yourself to see how you did with each interview. You might want to evaluate yourself on the following:

- Did I establish rapport with the witness?
- Did I control the interview?
- Did I ask good questions?
- Did I obtain all the relevant information?
- Did I determine the tone of the interview?
- Was I a good listener?
- Did I evaluate credibility and competency?

Other Types of Interview Tools

Interview tools are tools to help you gain information in areas of the interview that you want to focus on. Those “gray” areas of understanding that you might want to consider learning to use are:
• **Cognitive Interview**
  The cognitive interview is a mind-jogging interview in which the interviewer will use four different areas of questioning:
  
  o **Reconstruction** - The interviewer will ask the witness to reconstruct the crime scene as to such things as:
    - To describe the crime scene if interior or exterior as to their five senses.
  
  o **Witness Report**
    - To report all information and let the investigator sort out what is needed.
  
  o **Different Order**
    - To have the witness report their narrative in a different order. Instead of from the front to the end, start at the end and work backwards or start in the middle and work forward and reverse. If a particular memorable thing happened during the witnesses narrative, start from there and work in a different order.
  
  o **Change Perspective**
    - To have the witness change their location from where their original point of observation was to another part of the room or to a different location on an exterior crime. Ask them to put themselves away from where a crime occurred and look toward the crime scene what would they have seen differently from that location.

• **Morgan Technique**

  This technique originated in California by Dr. Raymond Morgan and is used as a tool to interview witnesses and interrogate suspects. The questions used have to do with the past, present and the future. This technique requires the use of a bare room that contains two chairs, a projector, computer, a screen and different photos for various crimes under investigation. During this technique the interviewer will show three different photo, depending on the crime, and ask what is occurring during each photo, what occurred before this photo and what will occur after this photo. Depending on the answers given, it may give the investigator some leads on areas to concentrate on.

  Other “leakage of deception” looked for during this technique are:
  
  • Changes in expression of the face
  • Movement of the body
  • An inflection to the voice
  • A swallowing in the throat
  • Deep or shallow breath
  • A long pause between words

  Keep in mind that this technique is an investigative, psychological tool that can detect emotions, guilt, remorse and deception. Use it in the progression of your case.
Statement Analysis

Statement Analysis is the examination of the written word. It is the use of words, the omission of words, and what is the norm. Statement Analysis provides the investigator with vital background data and details about relationships to explore during the interview process. Parts of speech forms the foundation of Statement Analysis. Words like pronouns, nouns, verbs, extraneous information, lack of conviction, editing phrases, time, and changes in language are used. It is a two-step process to determine what is normal and any deviation from the norm. The norm in the English language of a person telling the truth is in the past-tense. In a statement, the shift from present tense is significant because events recalled from memory should be stated in the past tense. Statement Analysis is a tool that must be studied before applying to a written statement. In some cases, it can also be used for a verbal statement.

- **Example of a deceptive pronoun statement involving a death**

  “Sue and I go out onto the patio, Sue and I stand there talking for a while and then all of a sudden she falls down the stairs.”
  - The statement is in the present tense and why did he change from the name, “Sue”, to “She” when the fall occurred?

- **Example of a deceptive noun statement involving an arson**

  “I get up in the morning, take a shower and I left my house and go down to McDonalds for breakfast. I come back to my house and watch tv for a while and then I leave my house again to go to work. When I get back to the house, it is on fire.”
  - Again, the statement is in the present tense and why did the ownership of “my” house changed from “my” to “the” house when it was on fire?
Recordings of a truthful person and a deceitful person

- **Truthful Person**

- **Deceptive Person**