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*INTERVIEWING THE CHILD
ABUSER*

INTERVIEWING TECHNIQUES

THE GOALS:

- What is the importance of the interview?
 - Obtaining evidence of the crime
 - Possibly prohibit court testimony of victim
 - Combat anticipated defense at trial
- The definition of "*successful Interview*"
 - Confessions
 - Obtaining incriminating statements but not admitting to the offense
 - Victim's motivation to lie

BASIC INTERVIEWING TECHNIQUES

- Planning Strategy: When to Interview
 - Interview the child first and then investigate further
 - Go directly to the suspect
- Profile The Offender:
 - **Situational vs. Preferential**

1) Seducer	5) Morally Indiscriminate
2) Introvert	6) Sexually Indiscriminate
3) Sadistic	7) Inadequate
4) Regressed	

BASIC INTERVIEWING TECHNIQUES...*continued*

□ *Custodial vs. Non-Custodial*

- Where are you going to conduct the interview?
- How many investigators will be present?
- Advise the suspect: "*You don't have to talk*"
(Make this statement several times)
- Allow the suspect free movement (using the bathroom etc.)



No Search Interview

BASIC INTERVIEWING TECHNIQUES...*continued*

□ *Custodial vs. Non-Custodial*

- Check to make sure doors are not locked
(demonstrate)
- It is better to keep guns, badges and
handcuffs out of sight
- Transportation to the interview?
- Exits?

BASIC INTERVIEWING TECHNIQUES...*continued*

- Approaching the offender:
 - Never telephone the offender for an appointment
(You give up the element of surprise)
 - Escape
 - May contact an attorney
 - May contact friends for advise
 - Time to plan an alibis
 - May attempt to contact victim(s)
 - Destroy evidence

BASIC INTERVIEWING TECHNIQUES...*continued*

- *When* and *where* to approach the offender:
 - At the suspect's home
 - At the suspect's place of employment
 - Other
- You want to allow the suspect, "*The great opportunity to tell your side of the story*"
- You are doing him a favor by allowing him to talk
- Tell the suspect that "*Most investigators would not afford him this opportunity*"

BASIC INTERVIEWING TECHNIQUES...*continued*

- Let the suspect know your level of experience
- Tell the suspect you realize *False Allegations* do exist
- Role play
- Who should conduct the interview and what role does each investigator play?
 - How many investigators
 - *Passive vs. Aggressive*
 - Must be open minded

BASIC INTERVIEWING TECHNIQUES...*continued*

- Be an actor or actress
 - Personalities of the interviewer (s)
 - Physical features of the interviewer (s)
- The use of deception
 - Phantom *witnesses*
 - Phantom *evidence*
 - Your over-exaggerated *knowledge* of the case
 - Your over-exaggerated *time* spent investigating the case
 - *New technology* being used in criminal investigations

BASIC INTERVIEWING TECHNIQUES...*continued*

- Down-play the importance of the interview
 - You as the investigator don't need to do the interview
 - Your attitude should reflect that you don't need the interview
 - The way you dress should reflect your attitude
 - The number of investigators present
 - Your mannerisms should reflect your attitude
- Anticipate the stages
 - Denial
 - Minimization
 - Justification

BASIC INTERVIEWING TECHNIQUES...*continued*

- Practice
- Consider a consent search
- Arrest and or obtain a warrant

BASIC INTERVIEWING TECHNIQUES...*continued*

- Person selected for the interview should be the type that naturally relates to people
- Finding the right “combo” (of passive vs. aggressive)
- The interview facility
- Custodial vs. non-custodial atmosphere (your choice: Miranda or not)
- Observe body language

BASIC INTERVIEWING TECHNIQUES...*continued*

- Element of surprise for initial confrontation (Don't make appointments)
- Documenting the statement:
 - Videotape
 - Audio tape
 - Suspect writing/signing statement
 - Interviewer or partner writing the exact response, then subject reviews, signs each response and signs statement with witnesses
 - Oral statement only
 - Oral statement first, then the written statement

BASIC INTERVIEWING TECHNIQUES...*continued*

- Deception
 - Example: What if I told you....???
 - Phantom witness
 - Phantom evidence (fingerprints)
- Downplay the importance of the interview
 - (this is their “opportunity”)
- No promises, no coercion or threats

BASIC INTERVIEWING TECHNIQUES...*continued*

- The polygraph
- Confronting the suspect with a videotape of the victim, controlled telephone calls and child pornography

Basic Interview Techniques

SEDUCER

- Always take into consideration that he has discovered this “sickness” as an adolescent. Remember this disorder is probably the result of “learned behavior”. (80% of offenders were abused as children)
- He does not consider the acts he committed “abuse”, to him, they are considered “loving acts”
- Always remember that the seduction process this offender uses is the same as adult seduction, except for the age of the victim

Basic Interview Techniques: SEDUCER....*continued*

- Project a “psychologists or therapists image” rather than a police image
- Expect the offender to be defensive. When he begins the defense process, tell him the next step before he does it
- Legal deception can work with this offender

Basic Interview Techniques: **SEDUCTER**....*continued*

- Use the element of surprise when you confront the suspect. (Where to conduct the interview)
- Keep an “open mind” and try to be understanding.
- Expect him to relate to one interviewer (the gender does not matter)
- Let him know that you realize he wants to stop Committing the acts, but sometimes the urge is uncontrollable. Compare his problem to Alcoholism

Basic Interview Techniques: SEDUCER....*continued*

- Let him know “if he wants help”, he must first admit that he has a problem
- This offender will respond to guilt. For example, “You (the offender) are causing the victim to be more traumatized”

Basic Interview Techniques: SEDUCER....*continued*

- Do not treat this offender as a typical criminal
- No handcuffs / Be aware of officer safety
- Take a low key approach
- Offer him/her something to drink
- Tell him/her there is a bathroom available if needed
- Let him know that he probably treated the victim better than anyone else

Basic Interview Techniques: SEDUCER...continued

- Anticipate the offender will take the “sympathy” defense.
- Ask about other victims and his collection
 - Consider a consent search
- Inquire about other offenders with whom he associates.

Basic Interviewing Techniques

INTROVERT

- Consider using the same techniques used to interview the “seducer”, but remember he probably will not be as verbal.
- This is the “old stereotype” child molester.
- Offender is also similar to the inadequate Situational Molester, except he has a definite sexual preference for children.

INTROVERT...*CONTINUED*

- Interviewer needs to be understanding and open minded. The offender usually relates to an interviewer of the same gender
- Consider the use of deception with the suspect
- The investigator should offer the polygraph

Basic Interviewing Techniques

SADISTIC

- Probably the “second” most difficult offender to interview.
- This person is usually not affected by guilt.
- Dynamics might involve childhood of brutal abuse.
If so, use this knowledge to your advantage.
- This individual uses deception - so do you.
- Remember the offender might not realize why he commits or committed such violent acts.
- This offender might display the same characteristics as the “Seducer” or “Introvert”, then progress to commit sadistic acts.

SADISTIC....*continued*

- Sometimes the offender justifies his behavior by stating that the victim(s) deserves punishment.
- Master of manipulation; therefore, you must be well prepared.
 - Premature interviews usually fail
- Attempt to discover offenders strengths and weaknesses.
- Seeming sophisticated, sadists are likely to consent to be interviewed even after being advised of their rights.

SADISTIC....*continued*

- Offenders often have an exaggerated self-image and consider themselves intellectually superior to the police.
- They believe they are in no danger of divulging detrimental information about themselves.
- More importantly, they expect to learn more information (such as the current status of the investigation) from the officer than they provide.

SADISTIC....*continued*

- Interviewer should be of “Detective” status or above, preferably older than the suspect, and superior to him in physical stature, personality and intelligence
- Interviewer must be confident, relaxed and at least as calm as the suspect

REGRESSED

- This person is probably the easiest from whom to obtain a confession
- He/She lacks self confidence and demonstrates poor coping skills. (Can he cope with a very experienced investigator?)
- Consider the relationship between the suspect and the victim. (Is it a loving relationship?)
- Feelings of guilt/remorse

REGRESSED...*CONTINUED*

- Complete background of suspect (criminal, but more importantly, employment records, etc.,) - search for stressors
- The confrontation:
 - Is the victim a liar? (Victim is probably his daughter)
 - What is the motive for the victim to lie?
 - The OFFERING of the polygraph

REGRESSED....*continued*

- Displaying the videotaped interview to the suspect
 - Transcripts, written reports, audio tapes
- Controlled calls from victim to suspect
- Deception
- Take into consideration that this suspect responds to therapy. Advise him of your knowledge of the behavior characteristics of the offender
- Use the element of surprise

MORALLY INDISCRIMINATE

- Understand this person is probably the most difficult of all child offenders from whom you obtain a confession
- He/she lacks any “remorseful feelings” or guilt (cannot use victim relationship with suspect)
- This person has probably been arrested in the past for other crimes, and “knows the system”
- This is his opportunity to tell his side of the story

MORALLY INDISCRIMINATE....*continued*

- During the entire interview he/she is only thinking of how to “lie” to avoid being arrested
- “Legal deception” is the only way to go
- He/she will attempt to place blame on the other suspects or even the victim
- Need a confident and experienced interviewer

MORALLY INDISCRIMINATE....*continued*

- The offender will intimidate witnesses or the victim and is very confident about changing the mind of the reporting victim prior to a court trial
- The only way he will confess is if he is convinced that confessing one crime will allow him to get away with a more serious crime
- Your knowledge of “treatment” is usually a waste of time with this offender because he perceives there is nothing wrong with him

SEXUALLY INDISCRIMINATE

- This person is the “sexual addict.” “Sex” is the most important thing to this individual
- Children become victims only because the offender is bored with other sex
- This person relates only to people who have the same philosophy about any/all type of sex being acceptable
- This person is often offended when referred to as a “pervert”

SEXUALLY INDISCRIMINATE....*continued*

- This person will not hesitate to “brag” about his sexual activities regardless of the gender of the interviewer
- Sometimes one interviewer will be more effective than two or more. This “down plays” the importance of the interview

SEXUALLY INDISCRIMINATE....*continued*

- The interview must project an image of “confidence” and make sure that the subject believes you are more of a psychologist than a police officer (law enforcement). Allow the offender to perceive the interview as your attempt to understand him, not an attempt to obtain evidence
- Consider consent searches because most of his collection consists of legal items, such as adult pornography and sexual aid devices. These items can provide more corroborating evidence

SEXUALLY INDISCRIMINATE....*continued*

- Always use the element of surprise when confronting a suspect
- Attempt to interview the suspect at your office
- When confronting the suspect, ask yourself if there is a motive for the victim to lie

INADEQUATE OFFENDER

- This offender is probably the easiest to interview, but consider how competent he/she is to give a confession
- Make the subject comfortable. Make sure the environment is non-threatening. Take time to build rapport and consider the “mental age” of this individual and relate to him on his level.
BE UNDERSTANDING!!

INADEQUATE OFFENDER...*continued*

- Keep in mind that this subject might not even realize that the act he committed was “wrong”
- Keep in mind that the offender might have a very close relationship with his parents



THE DEFENSES

- Denial
- Minimization
- Justification
- Fabrication
- Mental illness
- Sympathy
- Going on the offensive
- Guilty, but not guilty

CHILD MOLESTERS POSSIBLE DEFENSES MOLESTERS MAY USE

□ DENIAL

- May act shocked surprised or even indignant.
- Claim to know nothing.
- May admit the act, but deny the intent . (Is it a crime to hug a child?)
- Imply that the actions were misunderstood.
- His denial may be aided by friends, relative, etc.
- May say "I might have but I do not remember".
- The investigator should **anticipate denial and do not be thrown off by the suspect's strong, initial denial.**

POSSIBLE DEFENSES MOLESTERS MAY USE....*continued*

- If evidence against him rules out total denial, he may attempt to minimize what he has done
- Might claim that it happened one (1) or two (2) isolated occasions, or that he only “touched” the victim
- Might be knowledgeable about law and admits to acts that he knows are lesser offenses. “I only touched her, I would never have sex with a child.” “She didn’t say I had sex with her did she?”

POSSIBLE DEFENSES MOLESTERS MAY USE....*continued*

□ JUSTIFICATIONS

- Attempts to justify his behavior
- Claims that he cares for these children more than the parents do
- If the offender is the father he may claim that the child is better off learning about sex from him
- Might claim he has a drinking or alcohol problem
- Might claim he did not know how old the child was; “She told me she was eighteen , I never would have had sex with a child.”

POSSIBLE DEFENSES MOLESTERS MAY USE....*continued*

□ FABRICATION

- Uses ingenious stories to explain his behavior
- May claim he was doing research on Pedophilia
- May claim the child is in desperate need of attention
- May claim he is doing research on male prostitution
- May claim he was “only teaching my daughter the difference between good and bad touch”
- Claims that the pictures were not for sexual purposes, but simply admired the anatomy of the child

POSSIBLE DEFENSES MOLESTERS MAY USE....*continued*

□ MENTAL ILLNESS

- When other tactics fail the molester may claim to be mentally ill.
- ***NOTE:*** Most child molester do not claim mental illness until after they are identified and arrested, **very few are found to be mentally ill.**

POSSIBLE DEFENSES MOLESTERS MAY USE....*continued*

- SYMPATHY**

- Nice guys defense: "He is a pillar in the community, church leader and a devoted family man".**
- Never been arrested before**
- (NOTE: less than 10% have a prior record for sex offenses) .**

POSSIBLE DEFENSES MOLESTERS MAY USE.....*continued*

- Guilty.... but not guilty:
- The offender will usually try to:
 - Make a deal to avoid a public trial
 - Enter a nolo contendere plea to try to avoid any civil liability
 - Make a public statement that he is “completely innocent of all the charges”

POSSIBLE DEFENSES MOLESTERS MAY USE....*continued*

- Public statement that "he is pleading guilty only to spare the children of having to go through the trauma of testifying court"
- He does not have the money to defend himself
- Plead guilty by reason of insanity (lacks the ability to conform his behavior to the laws)

POSSIBLE DEFENSES MOLESTERS MAY USE....*continued*

□ ATTACK

- Attack the investigation, thus going on the offensive.
- Might harass or threaten.
- Bribe the victim(s).
- Attack the motive of the prosecutor.
- Over zealous investigator.