

# The Positive Approach for Wildlife Violation Interrogations

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*Abstract:* Interrogation can be, at times, the most important part of an investigation. If an officer did not observe the violation, has very little evidence, and witnesses are unwilling to testify, interrogation may well be the only route to successful prosecution. An interrogator may enhance his chances of success by studying and practicing interrogation techniques. The positive approach is a technique which makes it difficult for the suspect to deny knowledge of the violation as statements and questions are phrased to make it appear that his guilt has already been established. This technique also incorporates asking questions that are designed to increase the suspect's tension and to elicit verbal and non-verbal responses which are indicative of innocence or guilt. It is to the officer's and agency's benefit that we become more skilled interrogators.

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Interrogation is both an art and a science. It is an art because by the use of words, the interrogator paints such an appealing picture that the suspect confesses. Interrogation is a science because it is a branch of study concerned with observation and classification of facts (Arthur and Caputo 1959).

"The only way to become an interrogator is to interrogate." This is a statement an experienced interrogator will often pompously tell the beginner. But, experience is worthless unless the interrogator already knows the basic fundamentals and principles of interrogation. It makes no more sense to learn interrogating by doing than it does for the prospective surgeon to start operating on people before he goes to medical school (Aubry and Caputo 1980).

Can you become a good interrogator? The answer is definitely yes, but only by studying and practicing the various techniques and knowing when they should be used.

Obviously the most important part of the interrogation is the interrogator himself. Unless you can genuinely convince suspects that you are interested in their welfare and that it is to their advantage to confess, you will get poor results. Unless you sincerely try at all times to arrive at the truth and are not influenced by your

own emotions or the plight of the suspect, you will not become a great interrogator (Aubry and Caputo 1980).

## **The Interrogation**

An interrogation is nothing more than the skillful guiding of a conversation based on an interrogator's knowledge (Reid 1989). Like fingerprints, no 2 human beings are alike in how they think and react. What causes 1 person to confess may alienate another. One person will listen to reason, another can be appealed to emotionally, and still another cannot be approached through either method; but he can be approached. Somewhere in the person is something that will make him tell the truth. The interrogator must find out what that something is and exploit it to get the truth.

## **The Positive Approach**

Very rarely does a perpetrator immediately confess to an interrogator. Rather, the interrogator must skillfully lead him into making the confession. To accomplish that end, in the majority of cases, the interrogator may use the positive approach.

The use of the positive approach makes it difficult for the suspect to deny any knowledge of the crime, since the very phrasing of statements and questions makes it appear that his guilt has already been established, and the interrogator is merely interested in clearing up a few details (Reid 1989).

The positive approach, like any other approach, must be prefaced by adequate background information about the suspect and the crime. After learning the facts, the interrogator is in a position to meet with the suspect, note discrepancies in his story, and subsequently break his confidence.

When you meet the suspect for the first time it is best, in order to gain a maximum advantage over the suspect, to call him by his first name. The interrogator then begins the conversation by saying, "Jim, I am Agent . . . with the Missouri Department of Conservation." Do not shake hands with the suspect unless he offers first. You need to be confident yet polite, but not overly friendly. By addressing the suspect by his first name and allowing him to know only your last name, you have politely, but firmly, set the tone of the interrogation by establishing you are in charge.

After the introduction the interrogator is now ready to make a brief, unequivocal statement as to the reason for conducting the interrogation. This is also an excellent time to nonchalantly inform the suspect of his constitutional rights by reading him his "Miranda Warnings" at the end of the statement. For example, "Jim, we are investigating an illegal deer kill and I'd like to talk to you about this matter, but before I do, I want you to know that you have the right to remain silent, . . .", etc. The interrogator ends the "Miranda Warnings" by soliciting a verbal waiver. "Jim, I'd like to ask you a few questions, is that all right with you?"

After securing the waiver of rights, the interrogator may produce a prepared file folder to give the illusion of insurmountable evidence and state something to the

effect, "I have here in this file the results of our investigation of that deer kill." Follow this statement quickly by confronting the suspect with, "Jim, the results of our investigation indicate that you are involved."

This statement is designed to elicit a behavioral reaction indicating the suspect's innocence or guilt by increasing his tension. The interrogator should pause at this time to observe the suspect's physical reaction and evaluate the meaning of his verbal response.

An innocent suspect will usually sit upright and rigid in his chair while maintaining direct eye contact with the interrogator. He will probably make a sincere or hostile statement of denial.

On the other hand, a guilty suspect tends to slouch in his chair, appear to be relaxed and casual and avoid eye contact. He is usually silent, but may try to win you over with a friendly attitude.

After evaluating the behavioral reaction the interrogator may now increase the suspect's tension by repeating the confrontation statement with more force. "Jim, there isn't any doubt that you are involved." This direct accusation usually evokes a response of denial from the suspect, whether truthful or deceptive, and should be evaluated.

Generally, an innocent suspect will not hesitate to be forceful, strong, and possibly irate during his denial. He will lean forward in his chair and maintain good eye contact.

As might be expected, a guilty suspect will use stall tactics and delay for time. He may also make excuses, feign surprise, or give no response at all.

Upon evaluating the denial, the interrogator should lead the conversation through a transition phase from the initial confrontation or accusation to the development of an interrogation theme.

### **The Transition**

During this transition you should put the file folder out of reach and sit down in a chair directly across from the suspect. It is important to appear very sincere at this time as you lean forward, with palms open, and, to increase tension, begin to invade the suspect's personal "space."

The transition may be accomplished by announcing, "Now Jim, what I want to do is sit down with you and get this thing straightened out, because it is something that needs to be resolved."

Attempt to get the suspect's undivided attention without letting him speak as you begin to develop the interrogation theme. This can be done by saying, "Jim, before you say anything, let me explain to you why I've made these statements."

### **The Interrogation Theme**

An interrogation theme is a monologue presented by the interrogator in which he offers reasons and excuses that will serve to psychologically justify or minimize

the seriousness of the suspect's behavior. The objective of the theme is to obtain the first admission of guilt.

There are several principles behind the development of an interrogation theme. A suspect cannot be expected to confess to a crime if he is not given the opportunity to couple his admissions with an excuse that allows him to save some self-respect. This is accomplished by projecting a psychologically acceptable motive for his behavior and gives the suspect the illusion of a way out (Reid 1989).

The primary concept of the interrogation theme lies in successfully placing the blame for the suspect's actions on someone or something else. According to convicted deer poachers the most common excuses or motives for taking deer in closed season were related to economic factors and included:

1. They needed the meat.
2. They lacked a good paying job.
3. They were just trying to feed their families.

During this phase of the interrogation, the interrogator chooses a theme that the suspect may identify with and then takes the sympathetic approach.

Subtle suggestions of crimes of a more serious nature may also serve to psychologically excuse the suspect's behavior. "We have had several reports of cattle missing in that area. Killing a deer isn't nearly as serious as stealing cattle from someone."

Let the suspect know that other people have problems too by relating a personal story along the lines of your theme. The story must be realistic to have effect.

Remember to check the suspect's behavior often during the development of your theme. If the suspect is sitting stiff and rigid with his arms crossed and is exhibiting a hard stare, you are probably suggesting a theme he cannot identify with. If these characteristics are observed, you should change your theme (as often as necessary) until the suspect drops his defenses by becoming more attentive and less rigid. Once the suspect exhibits signs of identifying with your theme you should begin to sympathize with him by saying, "I can understand how someone could be in that position."

## Example Themes

Tried and tested interrogation themes are many and varied, but the following illustrate examples that have been proven effective during wildlife violation interrogations:

1. The suspect is basically an honest person, but a particular circumstance led him to violate the law.
  - a. unemployed
  - b. underpaid
  - c. feeding family
  - d. had to survive

2. The suspect was tempted by a spur of the moment opportunity.
3. The suspect was coerced by peers.
4. "Everyone else does it."
5. The suspect was under the influence of alcohol (i.e., not himself, out of character).
6. The suspect sought revenge against the Conservation Department.
  - a. previously arrested
  - b. previously falsely accused
  - c. turned down for a job

Remember, the objective of the interrogation theme is to offer psychological justifications to excuse a suspect's behavior and obtain the first admission of guilt. Once this objective has been accomplished, the interrogator brings the suspect into the conservation by supporting the suspect's admissions through encouragement and reinforcement.

After the suspect is engaged in conservation, the interrogator's role changes from one who makes statements to one who asks questions. The questions are designed to lead and direct the suspect's confession in order to obtain specific information. Examples include:

1. "What happened next?"
2. "Then what did you do?"
3. "Where is it now?"

When these questions have been answered, all that remains of the interrogation is recording the information.

### **Handling the Suspect's Passive Mood**

Nearly everyone who is going to confess will withdraw and drop their physical barriers (Reid 1989). A good interrogator will constantly evaluate the suspect during the interrogation and watch for physical signs of surrender. These signs may include the suspect:

1. appearing less tense
2. entering a head and body slump
3. appearing defeated
4. having glassy, unchallenging eyes
5. listening intently

Once the suspect has exhibited these characteristics the admission of guilt is near. Your theme has struck a nerve and is beginning to have real meaning. At this point the suspect may begin thinking of impending embarrassment or punishment rather than concentrating on your theme. In order to capitalize on the suspect's

passive mood the interrogator should establish direct eye contact and reach his peak of sincerity. He should begin to intensify his theme by making it shorter while still containing the essential elements. By intensifying and repeating important aspects of his theme and preventing the suspect from concentrating on other matters, the interrogator keeps tension on the suspect as he prepares to present an alternative question.

### **Presenting an Alternative Question**

An alternative question is one asked of the suspect in which he is offered 2 incriminating choices concerning some aspect of the crime, either of which is an admission of guilt, but allows him a chance to save face. Alternative questions are just as important as interrogation themes and have the same objective in mind; to arrive at the first admission of guilt.

The alternative question is composed of 2 parts, one of which is a more socially or morally acceptable reason for committing the crime than the other. Each side of the alternative should include a supporting statement to subtly encourage the suspect to make a choice. The desirable side contains a positive supporting statement ("I can understand that") which allows the suspect to think you believe there was some justification for what he did. The undesirable side contains a negative supporting statement ("No one would respect a person who would do 'it' for that reason") which leads the suspect to believe people will be unable to accept his behavior.

When presenting the alternative question the interrogator must be believable and sincere. He should convey a warm and understanding facial expression and soft tone of voice when offering the desirable side and display disgust while using a harsher tone of voice as he presents the undesirable alternative.

The suspect is ready for the alternative question to be presented when he has stopped making denials or objections, is quiet and listening and appears defeated (head and body slump).

The alternative question is presented in similar fashion to the interrogation theme during the suspect's passive mood. It should be brief, very intense, and non-stop until an admission (even if only a nod of the head) or denial is offered by the suspect.

If a denial is given in response to the alternative question the interrogator should evaluate the intensity. If the denial is weak, the suspect is close to admitting his guilt. If it is strong, the interrogator should go back to presenting themes until the suspect exhibits signs of defeat.

The following are examples of alternatives and the intense style in which they should be presented:

1. "I hope this hasn't happened several times before, Jim. Jim, has this happened before, or is this just the first time? This is the first time isn't it, Jim? Jim . . . Jim . . . is this the first time?"

2. "I hope you didn't plan this out, Jim. Jim, did you plan this out, or was it just an impulse? I can understand if it was impulse. It was just an impulse wasn't it, Jim? Jim . . . Jim . . . was it impulse?"

3. "I hope this wasn't your idea, Jim. Jim, was this your idea, or was it someone else's? I can understand if it was someone else's idea. Jim . . . Jim . . . it was someone else's idea, wasn't it?"

A statement of reinforcement, like, "Good Jim, that's what I thought all along," should be given as soon as the suspect picks one side of the alternative. This statement should support the suspect's admission of guilt and encourage him to begin talking. Gathering the details and reducing the confession to writing are all that remain.

### **Importance of an Interrogation**

Interrogation can be the most important phase of an investigation. If you have very little evidence, did not observe the violation and have no witnesses willing to testify, skillful interrogation may well be the only route to successful prosecution.

It is rare that a suspect confesses to any crime without a good interrogation. Often it is only through a confession that important evidence is located, accomplices are implicated, and crimes are solved.

The efforts you expend gaining the knowledge and developing the skill of a successful interrogator are rewarded through the many benefits you receive. These benefits may be realized in the form of more confessions, a higher conviction rate, recognition and, above all, respect from fellow officers and the general public.

It is no small task to become a successful interrogator. Interrogation takes knowledge, time, and practice. It requires concerted effort, self-motivation, and a sincere desire to learn. Only when one becomes proficient at juggling methods, techniques and themes, and obtains confessions on a regular basis, does he earn the right to call himself an interrogator.

### **Literature Cited**

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