

FIT to investigate *forensic interviewing training*

Jakes Jacobs was a member of the South African intelligence community for 25 years functioning in human intelligence. During those years he was actively involved in the operational training programmes specialising in human intelligence, as well as operational technical support matters. Since 1995, he has focused on investigative interviewing skills through his Pretoria-based company, Megaplan IIS. In this article, he explains ...

INFORMATION specialists, ranging from intelligence officers to crime investigators, are neglecting their primary responsibilities in as far as the exploitation of human sources of information is concerned.

This is primarily due to the fact that the information specialist is surrounded by a wide array of sophisticated electronic and technical support measures that assist him in his investigative and security functions.

The technical and electronic support measures provide the information specialist with exact and verifiable information – and it is clear to see why these measures may be preferred to fallible human sources of information.

These electronic and technical support mechanisms vary from computers, video and audio monitoring systems, through to polygraphs and voice-stress analysis apparatus. It is therefore understandable that people tasked with obtaining information and intelligence have succumbed to the pitfall: to regard technical support measures as the only source of information. They have lost sight of the fact that their most important ability relates to an understanding of human nature and interpersonal communications skills.

While we are working with human nature, investigators have opted for the easy way out by utilising technical support measures.

There is an abundance of technological support for the investigator. This has distracted from the fact that one of the qualities that should distinguish the investigator from other professions is his insight and knowledge of human behaviour. Investigators are no longer trained to hone their skills on the observation of human behaviour. This has resulted in their interpersonal and communications skills being neglected.

The information specialist must be able to utilise essential technological/technical support measures but without neglecting his most essential asset – interpersonal skills to exploit human sources of information to their fullest.

There is a difference between information and crime investigation – and this difference is primarily twofold:

- The information investigator focuses on obtaining and developing human sources of information over a longer period of time;
- The crime investigator aims at closure – obtaining positive results during a disciplinary hearing or court case.

It is one of the objectives of FIT to make the crime investigator aware of the advantages of obtaining long-term human sources of information, while investigating a single crime.

The covert and sensible approaches utilised during intelligence operations correspond with the new need to be more considerate of the witness' human rights – while still endeavouring to ensure positive results.

One technical support instrument that demonstrates the problems facing the investigator is the polygraph, a very useful truth-detecting instrument. As such it can assist the investigator in reducing the number of suspects in a case within a relatively short period of time. But the results of the polygraph cannot be used as hard evidence in any investigation.

After obtaining the results of the polygraph test, the investigator still needs to refer to his interviewing and interrogational skills to capitalise on the results obtained through the polygraph. The main error committed when the polygraph is employed remains the fact that the investigator does not conduct proper interviews before employing the services of a polygraphist.

Another problem closely related to the polygraph test is the fact that the investigator does not know enough about polygraph testing to ensure maximum results in accordance with the particular requirements of the investigator and based on the unique qualities of the particular investigation.

In the majority of cases, the assistance of the polygraph is called upon before thorough interviews took place. Crime is on the increase in South Africa. The private

sector is focussing on non-violent crime – fraud and theft. One of the drawbacks the private investigator faces is the time delay that normally exists between the time he arrives on the scene of the crime and the exact time of the crime.

The services of the private investigator is normally required when there is little – if any – physical evidence and when witnesses are not available. It is possible to limit the possible suspects to a limited number of people. Confronted with this situation, the investigator turns to polygraph testing.

But the question remains: how do you confront the “suspect” when you have to rely on only the results of a polygraph test? Remember, polygraph test results may not be used as hard evidence.

Forensic Interviewing Training (FIT) provides the necessary training to prepare the investigator and forensic auditor to secure maximum results during investigative interviewing. A number of areas receive specialist attention during a 4-day training course:

- A personality preference instrument to make the investigator aware of his own personality preferences. This will in turn form the basis of enabling the investigator to determine the personality preferences of the interviewees. Accordingly, the investigator will be able to create rapport with the interviewee during the investigation much easier and much quicker. It will also enable the investigator to filter out the bias/subjectivity of his own preferences, thus ensuring a more objective view of the interviewee.
- Statement analysis techniques ensure that the investigator can create an atmosphere fostering the uninhibited co-operation of the interviewee/witness/suspect (and in accordance with the constitutional rights of the interviewee.) Once an unstructured statement (free narrative statement) has been obtained, in written or verbal

format, statement analysis techniques can be applied to determine the credibility of the statement. The result will further assist the investigator to construct the questions that need to be clarified during the structured interviewing phase that will follow the unstructured phase in cases that are not excluded from further investigation. The approach followed during the application of statement analysis techniques has been adapted to suit the unique South African environment. This is done to accommodate illiterate and semi-literate people.

- Non-verbal behaviour (“body language”) is dealt with and special attention is given to this subject to ensure that the value of the observation of non-verbal behaviour is placed in perspective. The unique characteristics of different cultures and how they relate to non-verbal behaviour are also dealt with.
- Empathic listening and active listening skills also receives attention during the FIT-training course – ensuring that the investigator becomes aware of the advantages of sophisticated approaches necessitated by a new approach that

will ensure maximum results, while respecting the constitutional rights of the witness and suspect.

- Focused or structured interviewing is dealt with as well and special emphasis is placed on constructing truth promoting and stress inducing questions.
- In addition, a distinction is drawn between interviewing and interrogation techniques. Special attention is given to the interrogation of suspects by making use of internationally accepted approaches. The focus also falls on the legal parameters concerning interrogation, admissions and confessions to ensure that the results obtained during interrogation are legally acceptable.
- Cognitive interviewing techniques forms part of the training. The training programme also encompasses. This technique provides for the enhancement of the memory of witnesses and suspects without transgressing suggestibility. Attention is also paid to ways in which the cognitive interviewing technique can be used to determine the credibility of a witness.

Forensic interviewing skills enables the interviewer, and especially the investigative interviewer, to understand the polygraph

and voice-stress techniques. This enables him to utilise these investigative support mechanisms more effectively.

But how does statement analysis relates to polygraph testing and voice-stress tests? Where no evidence or witnesses provide conclusive proof during an investigation, it becomes necessary to make use of one of the credibility assessment techniques. This enables the exoneration of innocent suspects from a case. There are three role players in this regard:

- Polygraph testing
- Voice-stress analysis
- Statement analysis

The client can decide which one of these methods suites his particular case best. Statement analysis of unstructured statements takes place without any equipment and can be employed on it's own, or in combination with polygraph testing or voice-stress analysis.

Forensic interviewing techniques are still essential after the results of the polygraph or voice-stress tests become available. These techniques will enable the interviewer / investigator to pose effective stress inducing and truth promoting questions. ■

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