

# **PERSUASIVE** INTERVIEWING

A FORENSIC CASE ANALYSIS

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# **Persuasive Interviewing**

*A Forensic Case Analysis*

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## Preface

This text and its parallel materials are designed for broad-based application and utilization. The experienced interviewer and those new to the persuasion process, as it relates to interviewing and interrogation, will find the opportunity to develop and enhance their persuasive skills. In addition to the text an Instructor Manual and a Student Workbook are also available. These additional resources lend themselves to the presentation of the materials in a practitioner training setting, as well as an academic environment. Lastly, working through all the elements of the materials will enhance the knowledge, skills, and abilities of the experienced interviewer.

The Student Workbook contains content related exercises and an examination for each chapter. The Instructor Manual contains answers to the Application Exercises, examinations and supporting information for the text. A familiarity with the material found in the texts *Interviewing and Interrogation* and *Investigative Discourse Analysis*, (by Don Rabon, Carolina Academic Press, 1992 and 1994) would be of benefit but is not a prerequisite.

The primary concentration of the text is the breakdown, examination, and evaluation of the last eighteen minutes of an eighty-minute homicide interview. We will study specifically what the interviewer incorporated into his verbal (involving words) and vocal (including sounds and silence) communication to persuade the interviewee to acquiesce. The goal is to learn not just what transpired but also why and how.

The chapters include explanatory notes placed within the examined transcript that help the reader understand exactly what transpires during the interview. The careful analysis of the persuasive methods and strategy applied by the interviewer enables the reader to acquire these skills and incorporate them into his or her own persuasive communication skill set.

There are application questions and an "Application Exercise" located in the accompanying Student Workbook, allowing the reader to pause and reflect on the material and how it can relate to their own persuasive responsibilities. The related activities are designed to reinforce the presented material. These exer-

cises allow the reader to apply what has previously been presented in a broader context, enhancing the learning process and laying the foundation for improved persuasive communication skills.

As a result, the experienced persuader may work through the text and supporting materials rather quickly, not needing to pause, contemplate, and apply but rather moving steadily to the end of the journey, picking up interesting and applicable pieces of information along the way. The apprentice, however, may want to slow down, reflect, and even backtrack along the trails and take a look at some of the elements more than once. For the experienced traveler it is the destination that is most important. For those new to the experience it is the journey itself that is most important. Hopefully for both, this text will serve as a useful vehicle and the excursion will be of benefit to one and all.

Lastly, persons responsible for the delivery of information and the development of skills in others will find this material a valuable resource. The level of instruction can range from basic to advanced.

As always when conducting interviews of this nature, follow the legal parameters that are prescribed within your jurisdiction, the organizational policy and procedure related to interviewing, and the preferential criteria of the local prosecuting authority.

# Acknowledgment

Bill and Nancy; Don and Rachel

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# **Persuasive Interviewing**



## Chapter One

# Persuasion — It's All About Communication

*When the conduct of men is designed to be influenced, persuasion, kind unassuming persuasion, should ever be adopted. It is an old and true maxim that 'a drop of honey catches more flies than a gallon of gall.' So with men. If you would win a man to your cause, first convince him that you are his sincere friend. Therein is a drop of honey that catches his heart, which, say what he will, is the great highroad to his reason, and which, once gained, you will find but little trouble in convincing him of the justice of your cause, if indeed that cause is really a good one.*

Abraham Lincoln (1809–1865)

Of the three operational elements of the interview process—questioning, detecting deception, and persuasion, the most problematic, enigmatic, and complex is the third—the concept of persuasion. At the outset of the interview, the primary question in the mind of the interviewer who is faced with the challenge of motivating someone to do something they have no intention of doing is “How? How can I, through my communication undertakings, motivate this individual to do what I want him to do?”

Certainly this third element is going to be the primary focus of a challenge within the judicial process as it relates to the interview—“What did you do, through your interview (communication undertakings), to my client that caused him to make an admission?” Being prepared to defend and articulate the persuasive process that results in a confession in open court is a constant challenge for anyone who regularly interviews.

At the very least the persuasion process is difficult. Each interviewee is different from any other interviewee ever encountered before. Motives and emotions all combine to ensure there is no one-size-fits-all persuasion strategy—one that simply starts at one point and ends at another, with the interviewee simply on the conveyer belt, ending up cooperating and having no influence over the outcome or his own fate.

Nevertheless, cooperation does in fact happen. Interviewees cooperate and confess on a fairly consistent basis. We simply want to have the cooperation happen more often so we as interviewers strive to function with ever-increasing effectiveness. Now the question is “Why? Why would someone do something seemingly against their own self interest?” Well, if we can answer that—and we can—then we are well on our way to answering the first question, “How?”

So, together we will explore and examine the persuasion process. We will travel from antiquity to the present, discovering throughout the passage of time that the constant and the variable are the same—it is all about people, and why they do what they do, and how it is possible to motivate them to go in the direction the interviewer has in mind.

## **The First Interview Resulting in a Behavioral Change**

As noted above, we are going to start at square one. And while our examination of interviews as communication-persuasive events will encounter some attempts to change behavior that are lengthier than this, the process will never become more complex or more successful than the following:

*“<sup>1</sup>Now the serpent was more subtile than any beast of the field which the LORD God had made. And he said unto the woman, Yea, hath God said, Ye shall not eat of every tree of the garden? <sup>2</sup>And the woman said unto the serpent, We may eat of the fruit of the trees of the garden: <sup>3</sup>but of the fruit of the tree which is in the midst of the garden, God hath said, Ye shall not eat of it, neither shall ye touch it, lest ye die. <sup>4</sup>And the serpent said unto the woman, Ye shall not surely die: <sup>5</sup>for God doth know that in the day ye eat thereof, then your eyes shall be opened, and ye shall be as gods, knowing good and evil. <sup>6</sup>And when the woman saw that the tree was good for food, and that it was pleasant to the eyes, and a tree to be desired to make one wise, she took of the fruit thereof, and did eat, and gave also unto her husband with her; and he did eat.”*

Genesis 3:1–6

Everything we need to understand with regard to the persuasion process takes places in these short six verses. Within the persuasive interview our communication is designed to affect the cognitive process of the interviewee. Stated simply, we want to influence the behavioral outcome of the interview.

wee by guiding his thinking (cognition). In order to affect another person's behavior we have to first get their attention and then we have to make them imagine it—make them think. In both of these two dynamics we use our communication skills to succeed.

### **Application Question: How do we get someone's attention?**

A most effectual strategy for gaining someone's attention is the utilization of questions. The first communication act on the part of the serpent (the first persuader) is to ask Eve a question:

*"Yea, hath God said, Ye shall not eat of every tree of the garden?"*

Questions activate the cognitive process. In order to respond to the Serpent's question, Eve has to think first and then answer:

*"... We may eat of the fruit of the trees of the garden: <sup>3</sup>but of the fruit of the tree which is in the midst of the garden, God hath said, Ye shall not eat of it, neither shall ye touch it, lest ye die."*

At this point, her barrier to cooperation (behavior change) has been brought forth, and the serpent is now in a position address her concern:

*"... Ye shall not surely die: <sup>5</sup>for God doth know that in the day ye eat thereof, then your eyes shall be opened, and ye shall be as gods, knowing good and evil."*

Now all of the dynamics are in place: the serpent has gained her attention through a question, Eve has articulated her concern, and the serpent has countered her concern.

All that remains is for the wheels which have been set in motion to run their course. Eve has to process the information communicated to her, make the decision (to change her mind), and provide the behavioral outcome planned by the serpent all along:

*"... <sup>6</sup>And when the woman saw that the tree was good for food, and that it was pleasant to the eyes, and a tree to be desired to make one wise, she took of the fruit thereof, and did eat..."*

Eve "saw"—she thought, she came to understand, and she acted.

All along, Eve had the capacity to change her mind. The objective of the serpent was to cause her to use that capacity to bring about the behavior

change he desired. Also Eve had the capacity **not** to change her mind. At the end of the day, she did not have to respond to the influential communication undertakings of the serpent. And these are two important elements to keep in mind as we proceed in our study: the interviewee is capable of change, and that change has to be voluntary. We, as ethical interviewers, do not want to take away the “free will” aspect of the persuasion process. If the cooperation (confession) is not a function of free will, then a false confession by an innocent person becomes a distinct possibility. A false confession is not what we want. We are seeking the truth. How ironic it is that we start our study with an examination of the tactics used by the “Father of Lies” in order to better know how to obtain the truth.

## Exercise 1, Chapter 1

Turn to Appendix A and thoroughly read the interview transcript. Knowing fully what has transpired prior to the final eighteen minutes of the transcript is important to our study.

### Questions to Address with Regard to Persuasion

As we begin our study with regard to the persuasion process, we will address the related terms, concepts, and definitions. As with any study, learning the associated vocabulary is half of the journey.

**Note:** As you address these questions, first think about what the terms mean to you before you read a formal definition. Remember the persuasion process is as much about you in some aspects (as the interviewer) as it is about the interviewee.

### Application Question: What is persuasion?

*“A process of inducing a person to adopt a particular set of values, beliefs or attitudes.”<sup>1</sup>*

The interviewer as a persuader is tasked with *inducing* the interviewee to *adopt* a new mindset. In order for this to happen the interviewee has to change. He has to take upon himself—accept something he previously had not accepted. According to this definition he has to change either:

- set of values;
- beliefs;
- attitudes;

or a combination thereof.

**Application Question: What does it mean to induce?**

*“To cause or bring about a thought, feeling or physical condition.”<sup>2</sup>*

The interviewer is an agent of change. For the persuasion process to be successful, the interviewee has to transition from a mindset of non-cooperation to cooperation. Consequently, the communicative behavior of the interviewer is directed toward the accomplishment of that goal.

**Application Question: What are values?**

*“... the patterns of behavior within a particular culture or society which, through the process of socialization, the members of that culture or society hold in high regard.”<sup>3</sup>*

The resulting application questions for the interviewer include:

- What values does this individual possess?
- What or who does this individual hold in “high regard?” (The persons and/or things held in high regard are known as the individual’s “subjective norm.”)
- How will this individual’s values help or hinder the persuasion process?

**Application Question: What are beliefs?**

*“... an emotional acceptance of some proposition, statement or doctrine”<sup>4</sup>*

So we come to understand that emotions play a role within the persuasion process. The interviewee has an “emotional acceptance” of some dynamic that can either be an assistance or obstruction to the persuasion process. That dynamic as it applies to the persuasion process—meaning the propositions the interviewer might possibly employ—could include: personal responsibility, rationalization, shifting the blame, it was too great a temptation, we all make mistakes, etc.

**Application Question: What are attitudes?**

*“Some internal affective orientation that would explain the actions of a person ... entails several components, namely: cognitive (consciously held belief or opinion); affective (emotional tone or feeling); evaluative (positive or negative); and conative (disposition for action).”<sup>5</sup>*

The interviewee brings a set of personal attitudes with him into the interview event. His attitudes are learned, and they tend to stay with him through-

out life. The interviewee's attitudes determine, in no small part, his subsequent behavior.

## Exercise 2, Chapter 1

Having laid the foundation for the persuasion process, we will utilize the remaining portion of the transcript as a learning vehicle. Read the following portion of the transcript thoroughly. Throughout this book you will see the abbreviations IR and IE. IR represents statements made or questions asked by the interviewer, IE represents those made by interviewee.

- 847 IR: OK. Now Andrew, I'm going to lay this on the line to you.  
848 IE: OK.  
849 IR: You've been talking now for almost an hour, forty minutes.  
850 IE: Well, I was just trying to be as cooperative ...  
851 IR: No. And I appreciate that. There's going to be an autopsy tomorrow.  
852 And I have already seen the x-rays and the scan. I have a pretty good  
853 idea of what happened to the baby. OK. There's been a lot of science  
854 done over the years about what injuries cause what to babies. You  
855 know what I'm saying?  
856 IE: Yeah.  
857 IR: We can medically say. We can date bruises, date cuts. We can date  
858 breaks in bones.  
859 IE: OK.  
860 IR: All of these.  
861 IE: I don't I don't believe she had anything like that.  
862 IR: OK. But we can scientifically do that.  
863 IE: Right.  
864 IR: OK. And that's going to be done one way or the other. Eventually this  
865 is going to go, this situation, the whole deal, three days is going to go  
866 to a district attorney. OK. And the district attorney is going to sit down  
867 and listen to all the facts. And you've told your side of the story. We've  
868 got Ann's story. We've got the autopsy. So we've got a lot of different  
869 stories. OK. And if several of the stories match and one of them doesn't,  
870 how do you think the DA is going to view that?  
871 IE: I don't know. The thing that I'm telling you, you know, is true.



872 IR: OK. And that's what I want.

873 IE: The fall is, you know, that, that happened.

874 IR: OK. And I want you to tell the truth. I don't want you to tell me anything that didn't happen.

876 IE: That's, that's what happened.

877 IR: OK. The DA is going to make a decision that can affect the rest of your life.

879 IE: Right.

880 IR: Because they're going to decide whether to charge you with murder, whether to charge you with child abuse resulting in death, whether to charge you with negligence, whether to charge you with manslaughter, second degree murder or maybe nothing. See there are a lot of options out there for the district attorney.

885 IE: Right.

886 IR: Now, first degree murder carries what? Do you know?

887 IE: No.

888 IR: That's a life sentence. That's mandatory life. We can go all the way down to negligence which carries a few years. Or even child abuse, misdemeanor child abuse which carries you know it's a misdemeanor term. OK.

891 IE: OK.

892 IR: OK. So it's a very important decision that the DA is going to make. OK. Whatever decision he makes it's going to go onto court. Right? Unless they don't charge you with anything.

895 IE: Right.

896 IR: OK. It's going to go onto court probably and there'll be a case. And eventually that case will go before twelve people in a jury.

898 IE: Right.

899 IR: Right. And those twelve people are going to get to see this tape. They are going to get to see what you said. How that you held the baby and all those kinds of things.

902 IE: That's, that's totally fine.

903 IR: Right.

904 IE: 'Cause everything that I told you is true.

905 IR: OK.