

# The Essentials of H.I.B. Investigations

“The Investigation”

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# Interview vs. Interrogation

- Interrogation is a police term and should not be used in a school setting.
- You will find the terms may be different, the skills are the same.
- The goal is to identify the truth. An admission is only one way to identify the truth.



# Interview vs. Interrogation

- Interview
  - Conversation intended to elicit information, generally non-accusatory
- Interrogation
  - Process by which the offender is questioned in regards to their involvement in the activity that gave rise to the investigation
  - Will involve the interviewer getting an admission

# Criteria for Interviewers

- Know your limits
  - The anti-bullying specialist leads investigations, but might not be the best person for each interview
    - Example: A teacher who has a relationship with the student might get better results than the ABS
- Among the most important traits for a successful interviewer are:
  - Empathy
    - Is the capacity for participating in another's feelings
    - Lack of empathy results in an interviewer seeming insincere and makes obtaining a confession difficult
    - Be mindful of any prejudice



# Criteria for Interviewers

## – Communication

- Most important trait for a good interviewer is being a good communicator
- Gestures, posture, hand, eye, and head movement are an important part of non-verbal communication

## – Professionalism

- Conversation should begin and end civilly
- The interviewer should not make snide or disparaging remarks during or after the interview

# Active Listening

- Focus on their concerns.
- Don't dismiss their concerns as trivial. If it is important to them, it is important to us.
- Our actions are negotiable, but our feelings are not.
- Be sincere - insincerity is a form of deception.

# Active Listening

- Understanding doesn't mean agreeing
- Use their name - make it personal
- Don't argue; can't win, escalates
- Non-judgmental
- Allow person to retain dignity
- Mirroring; gestures, and phrases
- Don't rush; take your time; don't jeopardize your interview to complete your agenda

# Interview Standards

- How you notify someone of the investigation can help or hinder
  - Tell the subjects in private
  - Decide on when to tell them
    - Set Priority (Do you need to stop them from leaving school at the end of the day?)
  - Don't be dramatic, it can make matters worse

# Interview Standards

- Conduct interviews in private
  - Location should be considered before proceeding
  - Keep in mind risks of interviewing persons of the opposite sex in private
- Limit distractions
  - Number of distractions can be limitless, make every attempt to minimize them
  - Be aware of surroundings, a student who becomes violent could use something in the room as a weapon

# Interview Standards

- Budget Time
  - As you conduct your investigation, you may interview more people than initially thought.
- Interviews with 2<sup>nd</sup> and 12<sup>th</sup> grade students are different
  - Generally, younger children aren't good liars.
  - You will need to decide how to interview on a case-by-case basis.
  - Use appropriate language for their age.

# Interview Standards

- Interview only one person at a time
- Parent Interviews may or may not be treated differently
  - The parent may be a offender
  - Do not be intimidated by a parent
  - Follow board of education and school procedures

# Preparation

- Single most important aspect to an investigation
- Cannot afford to look confused or lost
- Plan the order of interviews
  - Who will be interviewed first, second, third, etc.
    - Generally interview the target first, then witness, then offender
- Answer Who? What? When? Where? Why?

# Types of Questions

- Open Questions
  - Used when “yes” or “no” answers are not appropriate, may need elaboration
  - Used to get a quick summary of the matter
  - Encourages a narrative response
    - Examples of open questions are; “What...?” “What about...?” “How...?” “ Could it be...?”

# Types of Questions

- Closed Questions
  - Designed to require a precise answer, usually “yes” or “no”
  - Used to establish dates, times and locations
  - Refrain from using too many closed questions. The subject being interviewed may:
    - “Shut down,” or
    - Only give you answers he or she thinks you want to hear

# Types of Questions

- Double-Negative
  - Should be avoided
  - Confusing and often suggest answer opposite to the correct answer
    - Example: Since you did not have neither the time or date, what did you do?

# Types of Questions

- Leading Questions
  - Used to confirm facts that already known
  - By answering a well designed leading question, the subject is confirming by answering the question
    - Example: When you confronted Lisa in the bathroom, what did she say?

# Types of Questions

- Attitude questions
  - Questions in which the attitude of the interviewer is conveyed by the structure of the question
  - Interviewer conveyed by a tone of voice or by intentionally altering body language
  - Attitude questions not appropriate in school settings
    - Example: Can you explain why we have heard contradicting answers to the same question

# Interviewing Styles

# Cognitive Interviewing

## (Non-Accusatory)

- Non-Accusatory Interviews are for
  - Targets, witnesses and offenders prior to interview
  - Cognitive Interview is a non-accusatory
- Encourage subjects to speak slowly
- Used to enhance recollection

# Cognitive Interviewing

## ➤ 4 Techniques

- 1. Reconstruct the circumstances of the event
  - Ask to reconstruct how the incident began and the circumstance
  - Ask details such as lighting, condition of the area
  - Ask subject their emotional state at the time of the incident

# Cognitive Interviewing

- 2. Instruct the subject to report everything
  - Ask them not to leave out any details regardless of how small they may seem.
- 3. Recall the events in a different order
  - Have subject describe event backward or from a point in the middle.
  - Useful in determining subjects truthfulness.
  - If subject is creating a story, almost impossible to tell the story out of sequence.



# Cognitive Interviewing

- 4. Change Perspective
  - Ask subject to change roles with another person in the incident, consider what he or she might have seen
  - The subject is asked to describe the incident as if they saw it from a different perspective

# Witness Interviews

- Witness interviews should be non-accusatory
- Some witnesses may eventually become offenders
  - However, do not treat them as offenders unless adequate evidence exists
- Ask open-ended questions, give ample time for witness to answer in as much detail as he or she wants
- If witness gives short answers or lacks description, ask follow-up questions.



# Victim Interviews

- Keep in mind the target has been through a bad experience
- The health and personal safety of victim, must be the primary concern
- Might consider postponing the interview
- Intense emotions may be projected onto you
- The targets might be confused, ask follow-up questions to clarify points

# Accusatory Interviews

- **Introductory Statement**
  - Designed to elicit signs of guilt from the offender early in the interview
  - One benefit is that it allows you to evaluate the subject's behavior before they talk
    - **Who we are and what we do:** Describe your role in the school, explain core values. Explain your job is to protect everyone, including the offender.
    - **Different types of offenses:** Explain your job is to investigate school violations. List a few, including the violation in question.



# Accusatory Interviews Cont'd.

- How we investigate: Describe variety of investigative tools at your disposal. Specifically, several techniques that could have lead to identification of the person or offense are discussed.
- These three points are designed to cause a guilty suspect to react involuntarily.



# Participatory Accusation

- Highly effective when dealing with dishonesty
- Ask the subject several questions about school policies and procedures, include the policies the student has allegedly violated
- Ask the subject to explain their understanding of each policy
- Looks for signs of guilt or dishonesty
- Be careful, some students may be ignorant of the school policies (could be a teachable moment)

# Direct Accusation

- Best used when there is substantial evidence of the subject's guilt
- Start conversation by informing the student of their involvement in the incident
- Don't be in a rush, the offender may confess to something else you didn't know.

# Kinesic Interviewing

- Technique to interpret subject's truthfulness by evaluating verbal and non-verbal cues.
- Look for disconnects between subject's words and actions (these are indicators).
- Such as; says "no" but shakes head
- "yes" for gesture
- Skipping around in sentences
- Stopping sentences or leaving off the end

# Indicators

- Inappropriate laughter
- Starting to speak in third person
- Telling you that they have done things (similar to the things currently under investigation) wrong in the past
- Repeating your question
- Asking you “Are you accusing me?”
- Giving very short answers
- Overgeneralizations (any, all, never, always, etc.)
- Saying “I can’t recall.”

Following phrases are usually indicators the subject is going to finish the sentence with a lie:

- “I swear on the Bible that I didn’t...”
- “You may not believe this, but...”
- “To tell you the truth...”
- “I know that this sounds strange, but...”
- “To the best of my knowledge...”



## BEHAVIOR OBSERVATIONS

The following is a list of behaviors exhibited by 100 examiners in the polygraph room. The figures represent the number of truthful, deceptive, and indefinite persons who exhibited the behaviors listed.

<u>BEHAVIOR</u>	<u>TRUTHFUL</u>	<u>DECEPTIVE</u>	<u>INDEFINITE</u>
Crossed Arms	7	53	1
Crossed Legs	7	40	1
Feet Under the Chair	6	58	1
Put Hand to Head	2	40	0
Put Hand to Mouth	2	38	0
Lint Picker	2	22	1
Poor Eye Contact	2	66	0
Yawning or Sleepy	0	27	0
Dry Mouth and Lips	3	61	0
Looked at Watch	4	26	0
Interrupted during Heart and You	2	35	0
Looks like Electric Chair	2	20	2
Leaned Forward in Chair	3	34	0
Feet Extended	3	24	0
Slouched in Chair	2	18	0
I Swear to God	1	8	1
Folded Hands	3	45	0
Polygraph Not Always Accurate	1	10	0
Looked out Window	3	8	0
Played with Chair Arms (Especially if they turn chair arms in)	4	36	1
Run Another Test on Me	0	6	1
Claimed to be Cold	0	4	0
Overuse of the word "Sir"	1	17	0
Played with Pneumo Chain	1	3	0
Use of Soft Words	1	35	0
Complained of Cuff Pain	1	14	0



# Accusatory Process

- Rapport
  - Develop with subject early in the interview. Can be very valuable.
  - Ask simple, non-threatening, non-personal questions, it will put them at ease.
- Signs of Deception
  - No guarantee to determine if a subject is lying.
  - Not all liars display the same behavior in the same situation.

# Accusatory Process, cont'd.

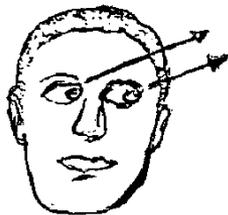
- Rely on your experience and instincts.
- If you take the time to establish rapport, deceptive responses may be more obvious.
- Following are behaviors that may indicate dishonesty:

# Neurolinguistic Eye Movement

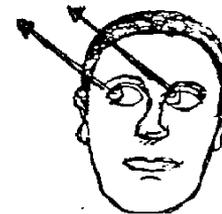
## NEUROLINGUISTICS

Duration: September 1984 to August 1985. Over 10,000 individual notes and observations.

Eye patterns are for right-handed persons. Eye movement may be a flicker, or held for several seconds. (Individual may be organizing incoming current sensations, recalling others, or imagining those never experienced.)



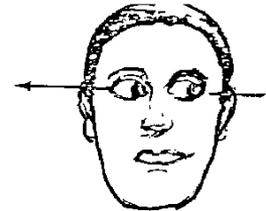
Eyes up and to the left.  
Recalling something seen before.



Eyes up and to the right: Visualizing  
that not seen before.



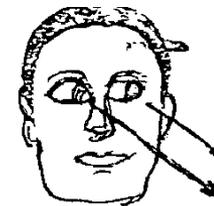
Staring into space and not focused, some  
pupil dilation. Either visual recall or  
visualizing that not seen before.



Eyes horizontal, looking right or left.  
Making sense of sounds heard at the  
moment, recalling sounds from memory,  
or imaging sounds. (Auditory process.)



Eyes down and to the right:  
Sensing how the body feels –  
processing kinesthetic input.



Eyes down and to the left: Talking  
to oneself – an internal dialogue in  
the auditory mode.

# Neurolinguistic Eye Movement

- VIDEO



# Following are behaviors that may indicate dishonesty:

- Posture
  - Slumping over or leaning back in chair
  - Sitting in a way that protects abdomen
  - Shifting position in the chair
- Hands and Arms
  - Placing the hand over the mouth to muffle words or hide expression
  - Arms crossed with thumbs extended
- Legs and Feet:
  - Movement of legs and feet
  - Legs crossed with knee raised to protect the abdomen
  - Legs crossed with arms holding the leg in place as a barrier
- Head and Neck:
  - Head down can indicate negative attitude or submission
  - Head back looking down the nose
  - Head nodding or head shaking

# Overcoming Resistance

- Identifying dishonesty is important, however, being able to convince the student to admit will greatly assist in your investigation.
- Most interviewers use stories and rationalizations to move the subject closer to an admission.
- Stories are intended to convince subject he or she is not the first person to find themselves in their situation and the first step to feeling better is to tell the truth.

# Overcoming Resistance

- You can tell real or fabricated stories.
  - Be careful of the stories you use. Personal stories may be used against you.
  - Fabricated stories may come back later and make you look dishonest.
- Rationalization is an important part of convincing a subject to confess.
  - Offer the subject reasons for having committed the offense.
  - Allows student to give a “face saving” reply to why they committed the offense.

# Overcoming Resistance

- Interviewers can minimize the severity of the offense by softening the language used during the interview.
  - Example: assault becomes “accidentally pushed,” name calling becomes “misunderstanding,” etc.
  - Easier for a subject to say “I hate them so much,” than say “I want them dead.”

# Submission

- Large part of accusatory interviews involve rationalizations and stories combined with minimizing the subject's actions.
- Find a theme the subject can relate to, once this happens the subject behavior will change, they will enter submission, and be ready to admit.

# Submission

## Signs of submission

- Less forceful denials or lack of denials
- Slumped posture
- Eyes looking down
- Teary eyes or crying
- Let out a sigh
- Sometimes the subject may acknowledge with a small nod or a “yes.”
- Keep them talking about the incident to prevent them from recanting.

# Concluding the Interview

- Transition from the provision of a key fact to an admission. 2 techniques for this -
- *The choice question*: Offer two rationalizations, one good, one bad, then encourage the subject to choose.
  - Example: “John when you went to confront Jim you didn’t mean for a fight to happen, you just wanted to talk and things got out of control.”  
When the subject answered “yes” to the good option, he/she chose an easy way to admit their involvement.

# Concluding the Interview

- *The soft accusation:* Do not ask if the subject did something, rather ask a broad question about the incident that assumes the subject's involvement.
  - Example: “Sue, when was the first time you stole food from the cafeteria.” Then follow up with a choice question, or some sort of “yes-no” question such as: “Have you been taking food from the cafeteria for a long time?”

# Evidence Management

The logo of the New Jersey State Police, featuring a shield with the text "STATE POLICE NJ" inside. The shield is set against a background of blue diagonal stripes.

STATE  
POLICE  
NJ

# Types of Evidence

- *Information* – Interviews and other investigation procedures are designed to gather information regarding an alleged event.
- *Facts* – The general information is used to reach conclusions of fact.
- *Physical* – Anything tangible obtained or identified as a result of an investigation. This includes, records, forms, correspondence and equipment.

# Physical Evidence

- Should your investigation be challenged you need to produce the evidence.
- Notes are evidence.
  - If you didn't write it down, it didn't happen.
- Don't rule anything out, something you discard, you may need later on.

# Physical Evidence

- Don't be intimidated by evidence on a computer.
  - Use the Print Screen option (do not use copy and paste)
  - Consider using your IT department, document who assisted you.

# Physical Evidence

- Evidence must be kept secured, it can be challenged later.
  - Evidence should be kept in a secured, locked area; and
  - Consider a evidence log book to document individual's who removed the evidence for viewing.

# Technology

- Does technology help or hinder your investigation?
  - When you have something tangible in hand, it is a home run.
- Consider priority of your interviews. Students could use technology to corroborate their stories.
  - Example: You determine an incident is minor and wait till the next school day. When you arrive at work, WWII had begun.

# Technology

- Students are very tech savvy
  - Is your interview being recorded by the student?
- Thumb drives can hold large amounts of evidence.

# Law Enforcement Involvement

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# Law Enforcement Mandatory Reporting

- Suspected Child Abuse/Neglect (also DYFS)
- Offenses Involving Controlled Dangerous Substances (with confidentiality exceptions)
- Possession of CDS or CDS Paraphernalia
- Custody Disputes/Potential Kidnapping
- Sexual Offense
- Bias Crimes
- Firearms and Dangerous Weapons
- Planned or Threatened Violence
  - Death, Serious Bodily Injury, Significant Bodily Injury
  - Reasonable person would believe threat is genuine
  - Need not be imminent, victim need not be aware
  - Intended victim need not be student, staff member
  - Liberally construed, report if in doubt



# Law Enforcement

- Start by having good working relationship with your local police department.
- Refer to the Memorandum of Agreement Between Education and Law Enforcement Officials

Questions?

