Forging a New Legacy

Homeland Security Investigations
Interviewing Training Program
HSI Academy
Terminal Performance Objective

Given simulated Homeland Security Investigations scenarios, conduct an interview after planning, in a manner that complies with the 5th amendment, the HSI Interviewing Handbook, and is necessary for managing human behavior in law enforcement situations.
Homeland Security Investigations (HSI)

Enabling Objectives (1 of 2)

• Explain the different interview types and discuss interviewing planning and considerations
• Demonstrate documentation of interviews and summarize the HSI custodial recording policy
• Discuss advanced rapport strategies and techniques
• Demonstrate...
Enabling Objectives (2 of 2)
Review of the Past

CITP Lecture Labs

Previous LE experience

HSI legal lessons for conducting interviews
Main Ideas

• Special Agents will conduct investigative interviews to solicit information to further an investigation. Information has a high probability of being used in a judicial proceeding. Interviews may involve subjects of the investigation, witnesses, informants, victims. Methods, techniques, and theories to use when conducting investigative or informational interviews.
Homeland Security Investigations (HSI)

Agenda

• Types of interviews and planning considerations
• Documentation of interviews and HSI custodial recording policy
• Advanced rapport strategies and techniques
• Interviewing
• Confrontational interviewing
• Interviewing informants
• Use of interpreters in interviews
Types of Interviews

- Victim
- Witness
- Suspect
- Informant
Types of Interviews

- Victim – [Redacted]
Planning for Interviews (1 of 5)

•

(b)(7)(E)
Planning for Interviews (2 of 5)
Planning for Interviews (3 of 5)
Planning for Interviews (4 of 5)
Establish Optimal Interview Strategy
Game Plan the Interview (1 of 2)
Homeland Security Investigations (HSI)

Game Plan the Interview (2 of 2)

Logistics

Potential Obstacles
Interview Style

• Numerous approaches and ad hoc modifications may be necessary – tailor to:

(b)(7)(E)

(b)(7)(E)
# Law Enforcement Interview

## Five Step Law Enforcement Interview

<table>
<thead>
<tr>
<th>Victim/Witness*</th>
<th>Suspect</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td>1. Introduction</td>
</tr>
<tr>
<td>2. Rapport</td>
<td>2. Rapport</td>
</tr>
<tr>
<td>3. Questioning</td>
<td>3. Questioning</td>
</tr>
<tr>
<td>4. Summary</td>
<td>4. Summary</td>
</tr>
<tr>
<td>5. Close</td>
<td>5. Close</td>
</tr>
</tbody>
</table>

*Provide Victim/Witness pamphlet as appropriate.*

---

**Homeland Security Investigations (HSI)**

**ICE Academy**

2021-ICLI-00031 1361
The Interview – Introduction Phase

• Introduce self, partner, and agency
  Display credentials
  Identify interviewee
  State purpose of interview
The Interview – Rapport Phase

• Used throughout interview – [Redacted]

[Redacted]
The Interview – Questioning Phase

[Text box with placeholder for content]
Homeland Security Investigations (HSI)

Question Type – Biographical

Establish DOB, residential, employment, and contact information

Establish any other unique identifiers, if possible
Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Questioning Techniques
Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
The Interview – Summary Phase

• 

(b)(7)(E)
The Interview – Closing Phase

•
Documentation of Interviews

• Interview notes must be sufficient for legal use. Best strategies for note taking:

Policy – when possible, record interviews. Recordings of interviews are evidence.
Documentation of Interviews (cont’d)

• Take clear and concise notes

(b)(7)(E)
Notes – Document Lies

• Memorialize untruthful/mistaken accounts – disclosure involves exculpatory materials even if interviewee “corrects” Document lie – even if interviewee subsequently tells the truth: Lie Reason for lie
Basic Precepts: Interview Notes / Documentation

- Tools to build a case: Facilitate preparation of the report. Notes to be understandable, including shorthand and abbreviations presented in the Interviewing Techniques Handbook. Interview notes must be kept. Interview notes are DISCOVERABLE. Preservation/retention of notes...
Advisement of Rights

- Miranda warnings – procedural safeguards
  HSI policy and legal considerations: use Statement of Rights – ICE Form 73-025 – when advising of rights under 5th Amendment and when completing a written statement.
  Administrative warnings
  No right against self-incrimination – questioning must remain in administrative realm.
  8 CFR 287: Administrative Warnings for Civil Removal.
Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Signed Statements

• May be necessary at any time during investigation. Always carry copies of Statement of Rights forms. Document admissions and confessions with a written and signed statement. If unable to obtain a statement, maintain detailed notes about the substance of relevant information. When additional information is inappropriate to include, document pertinent information not included in the statement. Preparation – planning phase is very important. SAs should be familiar with case and elements to cover.
Interview Documentation

• Formatting — Full information in the Interviewing Techniques Handbook
Electronic Recordings of Interviews

- During custodial interviews, they can be made covertly or overtly. Preference: video/audio recording.
- Preambles: what to capture.
- Avoid stopping objections to recording.
- Concluding the recording.

Full information in the Interviewing Techniques Handbook.
Homeland Security Investigations (HSI)

Electronic Recordings of Interviews

• During non-custodial interviews, May record at own discretion unless prohibited by local policy. Follow policy for custodial interviewing techniques handbook for custodial interview. Subject to same handling policies and procedures and custodial interview.

Concluding the recording: Recorded statements pursuant to a summons or subpoena.

Full information in the Interviewing Techniques Handbook.
Rapport Building

- Rapport – vital to successful interviews

Definition: harmonious, empathetic, relation, connection, accord or affinity to another
Rapport Fundamentals
Homeland Security Investigations (HSI)

Rapport Building Fundamentals (cont’d)
Methods for Building and Maintaining Rapport
Build/Strengthen Rapport – [b](7)(E)
Homeland Security Investigations (HSI)

Build/Strengthen Rapport –

- [Redacted]

ICE Academy
Build/Strengthen Rapport –
Build/Strengthen Rapport –

[Blank]
Withheld pursuant to exemption (b)(7)(E) of the Freedom of Information and Privacy Act
Page 1391

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Page 1395

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Establishing and Maintaining Control (1 of 4)
Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Page 1399

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Rapport and Custodial Interviews

- Miranda warnings must be presented prior to questioning.
Page 1403

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Develop Rapport with Resistant Interviewee
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Page 1406

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Page 1408

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Page 1409

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Page 1412

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Page 1413

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Page 1414

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption (b)(7)(E) of the Freedom of Information and Privacy Act
Page 1416

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Page 1418

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Page 1421

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Page 1427

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Techniques to Improve Effectiveness on Interview
Countering Questions from Victims and Witnesses
Confrontational Interviewing Skills

- Confrontational interviewing defined
- Key precepts of confrontational suspect interviews
Confrontational Interviewing Defined

An interview in which the interviewee, most frequently a suspect in a criminal investigation, is positively confronted with information, evidence and declarative statements regarding the investigation by the interviewer, that are designed to elicit admissions concerning his/her criminal culpability. Commonly referred to as “interrogation” when involving a criminal suspect. Can be used in other interviews as well when the elicitation of additional information is desirable and deception is suspected.
Homeland Security Investigations (HSI)

Countering Questions from Victims and Witnesses

(b)(7)(E)
Countering Questions from Victims and Witnesses

- Majority of suspects only confess when they strongly believe they are already caught. Previous studies have identified “perception of proof” as the strongest catalyst to suspect confession.
Theories and Methods of Interrogations
Page 1437

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Withheld pursuant to exemption
(b)(7)(E)
of the Freedom of Information and Privacy Act
Informant Interviewing Skills
Informant Interviewing Skills (cont’d)
Use of an Interpreter in Interviews

Ascertaining the need for an interpreter: Consider when individual to be questioned is a non-native English speaker. Consider need for an interpreter to conduct interview in interviewee’s native language.

Document use of interpreter and language used in interview ROI.
The Role of an Interpreter

- Subordinate to interviewer – passive and impartial. Translate, word for word, what both parties say. No clarification. No explanation of questions and answers. Never distract the interviewee – in any way.
- Sit: Beside the interviewer or between, and to the side of, the parties.
Preparing an Interpreter

• Review methods and procedures of this interview. Interpreter is a conduit of information. No conversation other than interviewer’s words. Translate information without altering meaning. Translate exact question/response. Mimic interviewer’s voice inflection and gestures. No editing of any part of interview, no matter how trivial the remark. Interviewer – Use clear, concise, simply-stated, jargon-free questions.
Documenting Interpreter Effectiveness

- Interviewee and Interpreter understand each other
  - Specific language and dialect used
  - Interviewee/Interpreter understanding advised at beginning to tell interviewer if the problems exist with interpretation
  - Repeated confirmation of mutual understanding
  - Potential problems with using interpreters
  - Easy to miss shades of meaning
  - If necessary – interviewer may substitute another interpreter during interview
Demonstration – Interview Planning

- Review the scenario case facts and walk students through an interview planning and strategy using [b](7)(E)
Page 1450

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act
Summary

- Interviews – conversations conducted to obtain information
  
  Proficiency – increases reliability of interview outcomes
  
  Interviews test SAs’ resourcefulness and personality – establishing rapport while uncovering relevant information
  
  Interviewers can use [b](7)(E)

  Documentation from interviews is evidence
Protecting the Borders Against Illicit Trade, Travel, and Finance