



Forging a New Legacy

**Homeland Security
Investigations Interviewing Training Program
HSI Academy**

Homeland Security Investigations (HSI)

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

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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

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Enabling Objectives (2 of 2)

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Review of the Past

CITP
Lecture
Labs

Previous LE
experience

HSI legal
lessons for
conducting
interviews



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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

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Agenda

- Types of interviews and planning considerations
Documentation of interviews and HSI custodial recording policy
Advanced rapport strategies and techniques (b)(7)(E)
interviewing
Confrontational interviewing
Interviewing informants
Use of interpreters in interviews

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Types of Interviews

Victim

Witness

Suspect

Informant



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Types of Interviews

- Victim –

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Planning for Interviews (1 of 5)

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Planning for Interviews (2 of 5)

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Planning for Interviews (3 of 5)

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Planning for Interviews (4 of 5)

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Planning – Interviewing Juveniles (5 of 5)

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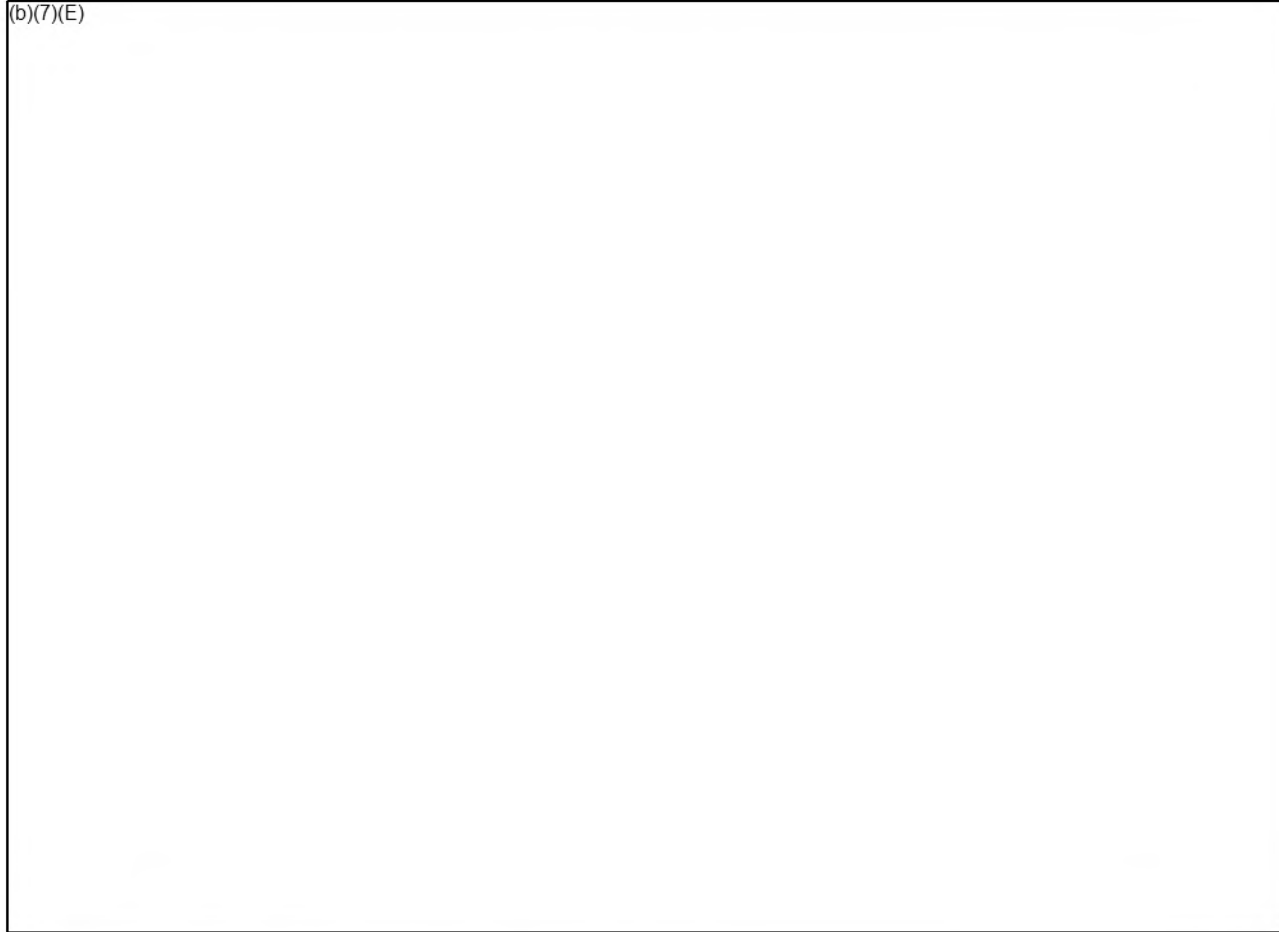
Establish Optimal Interview Strategy

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Game Plan the Interview (1 of 2)

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Game Plan the Interview (2 of 2)

Logistics

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Potential
Obstacles

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Interview Style

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

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Law Enforcement Interview

Five Step Law Enforcement Interview

Victim/Witness*

1. Introduction
2. Rapport
3. Questioning

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4. Summary
5. Close

*Provide Victim/Witness pamphlet as appropriate.

Suspect

1. Introduction
2. Rapport
3. Questioning

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4. Summary
5. Close



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The Interview – Introduction Phase

- Introduce self, partner, and agency
Display credentials
Identify interviewee
State purpose of interview

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The Interview – Rapport Phase

- Used throughout interview –

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The Interview – Questioning Phase

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Question Type – Biographical

Establish DOB, residential, employment, and contact information

Establish any other unique identifiers, if possible

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Questioning Techniques

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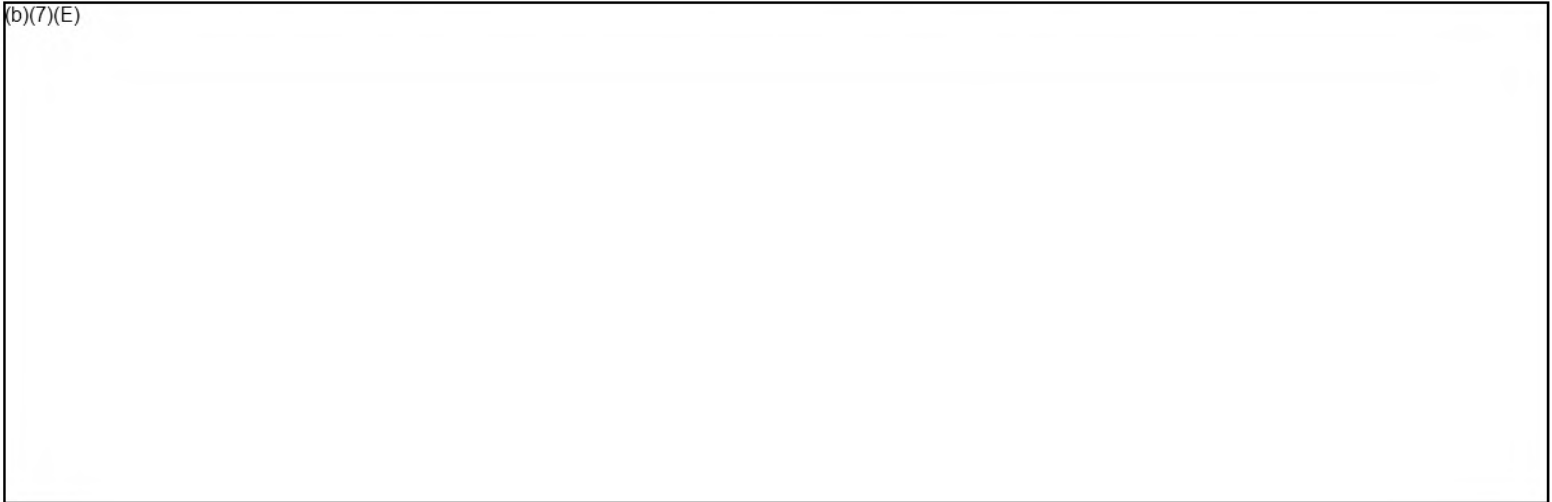
The Interview – Summary Phase

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The Interview – Closing Phase

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Documentation of Interviews

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

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Policy – when possible, record interviews Recordings of interviews are

evidence

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Documentation of Interviews (cont'd)

- Take clear and concise notes (b)(7)(E)

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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

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Basic Precepts: Interview Notes / Documentation

- Tools to build a case
Facilitate preparation of report
Notes to be understandable
shorthand and abbreviations prohibited
notes must be kept
Interview notes are DISCOVERABLE
Preservation/retention of notes

Full information in the
Interviewing
Techniques Handbook

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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

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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 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

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Interview Documentation

- Formatting –

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Full information in the
Interviewing
Techniques Handbook

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Electronic Recordings of Interviews

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

Full information in the
Interviewing
Techniques Handbook

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Electronic Recordings of Interviews

- During non-custodial interviews May record at own discretion unless prohibited by local policy Follow p 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



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Rapport Building

- Rapport – vital to successful interviews
Definition: harmonious, empathetic, relation, connection, accord or affinity to another

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Rapport Fundamentals

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Rapport Building Fundamentals (cont'd)

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Methods for Building and Maintaining Rapport

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Build/Strengthen Rapport –

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Build/Strengthen Rapport –

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Build/Strengthen Rapport –

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Build/Strengthen Rapport –

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Establishing and Maintaining Control (1 of 4)

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Rapport and Custodial Interviews

- Miranda warnings must be presented prior to questioning

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Develop Rapport with Resistant Interviewee

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Techniques to Improve Effectiveness on Interview

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Countering Questions from Victims and Witnesses

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Confrontational Interviewing Skills

Confrontational interviewing defined

Key precepts of confrontational suspect interviews

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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.

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Countering Questions from Victims and Witnesses

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Countering Questions from Victims and Witnesses

- Majority of suspects only confess when they strongly believe they are already caught Previous studies has identified “perception of proof” as the strongest catalyst to suspect confession

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Theories and Methods of Interrogations

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Informant Interviewing Skills

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Informant Interviewing Skills (cont'd)

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Informant Interviewing Skills (cont'd)

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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 in interviewee's native language.

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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

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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

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Demonstration – Interview Planning

- Review the scenario case facts Walk students through an interview planning and strategy using

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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)
(b)(7)(E) Documentation from interviews is evidence



Protecting the Borders Against Illicit Trade, Travel, and Finance