

# Behavior Analysis & Interviewing Techniques B.A.I.T.

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## Interviewing Strategy

Interviewing is a strategic strategy that requires a structured process. It begins with BEHAVIORAL understanding to recognize the verbal and nonverbal issues of anxiety, fear, and deception. Next is an understanding of what research demonstrates are effective strategies in QUESTIONING and the CRITERIA in the answers that demonstrate truth tellers or deceivers. Next is the examination of the statements for congruency between the verbal and nonverbal BEHAVIORS and the QUESTIONING CRITERIA. Next is to place those statements in written format. This is where most investigative interviewing ends. This is often the halfway point in this strategy as analysis of STATEMENT TEXT discovers the SEGMENTATION MARKERS and other written discourse issues. This identifies the areas that require clarification, leads to additional questioning, and will finally lead to a follow up interview, which can start the process over again.

My courses follow this INTERVIEWING STRATEGY. The **5-day Advanced Interviewing** class covers all of the strategy processes for complete understanding. I understand the restraints of both cost and time for agencies and officers. Many will opt for the 2 or 3-day **Behavior Analysis and Interviewing Techniques class (BAIT)**. If accepted this way, I recommend the **BAIT** class to begin the process and complete the strategy with a second and third class for the attendees in **Statement Analysis for Law Enforcement (SALE)** and **Eliciting Effective Interviews and Interrogations** soon afterwards. In this fashion, the information will carry over for a complete and effective strategy.

- We convey information when we want others to understand. We convince when our explanation is to persuade.
- OODA – Observation, Orientation, Decision, Action
- Reaction Time is an accumulation of decision, response, and mechanical times.
- Survival rest with simplistic and frequent training, speed, and stress inoculation
- Stress affects how we will react and displayed through heartrate.
- Heartrate control exist in autogenic breathing
- There is no multitasking
- Only deal with one issue at a time for best results.
- Stress causes the loss of peripheral vision which in turn allows only center gaze focus
- Creating checklist prevents change blindness from occurring and allows you the opportunity to process the information better
- Visualization Techniques are effective in activating muscle memories
- Consider rapport as relaxation building
- Always maintain a clear view of the interviewee
- Do not write while in the interview room
- Never rush or interrupt them
- Use minor mirroring actions to help win them over
- Behaviors and speech should appear relaxed
- Anchor point adjustments and Illustrators are the best behavioral actions for recognition
- Millers Law teaches us to suspend all judgements

- Neurolinguistics (eye assessment) studies

## **Assessment Cues - Verbal Errors**

- Failure to answer – 3 strikes rule
- Answering the question with unrelated superfluous info. The quality/quantity of the answer to question
- Verifiable information
- No explicit denial – they must give a directed denial
- Reluctance to answer – I don't think I can answer that
- Hard questions – that's a hard question
- Attack response – convincing action to deflect perceived threat back to you
- Failure to understand simple questions
- Unfinished business – that's about it
- Invoking religion
- Selective memory – I don't recall
- Qualifiers – basically, honestly
- I can't statements and any variations
- Procedural complaints
- Rambling dissertations
- Speech errors
- Answer delay – must be in context of the degree of difficulty

## **Behavioral Errors**

- Grooming/Pacifying/Modifiers
- Lack of illustrators
- Anchor points
- Eye assessments

## **The Behavior-Provoking Questions (BAI)**

- 1) Purpose: What is your understanding for the purpose of this interview today? – Provided in the Introduction
- 2) Guilt: You (Name) If you stole (this money) you should tell me that now. Did you steal that money?  
Nonverbal
- 3) Knowledge: Do you know who stole (this money)? Nonverbal
- 4) Motive: Why do you think someone did (steal this money)? Nonverbal
- 5) Vouch: Is there anyone you can vouch for, who you do not think was involved in (this theft of money)?
- 6) Opportunity: Who would have had the best opportunity to (steal this money) if they wanted to?
- 7) Credibility: Do you think this (money) was actually stolen?
- 8) Attitude: How do you feel about being interviewed regarding this (theft)? Recent test shows little difference

- 9) Results: How do you think the investigation will come out on you? Recent test shows little difference
- 10) Think: Have you ever thought about (stealing money)? Recent test shows results in reverse
- 11) Punishment: What do you think should happen to the person who stole (this money)? Recent test shows little difference
- 12) Second Chance: Do you think the person who (stole this money) should be given a second chance?
- 13) Why Not: Tell me why you wouldn't (steal this money)?
- 14) Suspicion: Who do you suspect may have stolen (this money)?
- 15) Tell Loved One: Have you told your (mother/spouse/family) about coming in for the interview today?
- 16) Bait question. A video camera captured the scene. When reviewed, is there any reason we will see you.

## **PLC**

Deals with Comparison, relevant questions.

Relevant questions are those relevant to the immediate issue.

Comparison questions are similar to relevant but separated by time, place, or category.

Time is the most common comparison. The use of the word "ever" is the most common.

Comparison – Before today, have you ever used marijuana?

Relevant – Are there drugs in the car?

Comparison - Have you ever associated with anyone who used drugs?

Relevant - If it is not yours than who would have it in the car?

## **PLC Drug Related Comparisons**

Did you ever do anything you could be arrested for?

Did you ever do anything against the law?

Did you ever lie to anyone about using drugs?

Did you ever use any drugs illegally?

Did you ever think of using any illegal drugs?

Have you used any narcotics since you got out of jail?

Did you smoke marijuana more than \_\_\_\_ times? (Use the number of times the subject admits.)

Did you use any narcotics since \_\_\_\_? (Date admitted last used.)

Did you ever get sick from using drugs?

Did you ever get "high" from using drugs?

Did you ever miss work because of using drugs'?

Did you ever take any medication without a doctor's OK?

Did you ever smoke anything containing a drug?

## **SVA-CBCA 14 Point Criteria**

1. Quantity of Details more is better (Perceptual Info)
2. Superfluous details unrelated to the event. I had gone to the 7-11 and they gave me the wrong change.
3. Contextual embedding – Events are placed in time and location
4. Description of interactions - He glared at me, I glared back, he started to smile

5. Reproduction of conversation
6. Unusual details
7. Spontaneous corrections – shows cognitive flexibility not scripted
8. Admitting lack of memory
9. Raising Doubts about One's Own Testimony - True witnesses are often very aware that their stories are incomplete and faulty and acknowledge that fact. A liar will swear on his mother's life that every word is true
10. Self-Deprecation
11. Pardoning the Perpetrator
12. Subjective Mental State - Describes feelings or thoughts  
– I was very scared (Affective Info)
13. Attribution of Perpetrator's Mental State  
Describes the perpetrator's feelings or thoughts experienced at the time of the incident as seen via behavior  
– You could see in his eyes how angry he was
14. Clarity - False statements  
– Don't make sense  
True statements – Have a logical structure

## **The Big Five**

Contextual – where/when or time place

Perceptual – Your sensory. Smells, sights, sounds

Affective's – Emotions placed at the correct moment of expectation

Reproduction of Conversation

Clarity with verifiable facts

## **Reality Monitoring**

### **Perceptual, Contextual, and Affective Information**

Some of the key details found were:

1. The lag time between the question and the answer (increased for liars)
2. Hand and finger movements—without moving the arms (decreased for liars)
3. Speech hesitations: "uhs," "ums," or "aahs" between words (increased for liars)
4. The quantity and specificity of details (decreased for liars)
5. Descriptions of time and location (decreased for liars)
6. The reproduction of conversation (decreased for liars)
7. Descriptions of other people's feelings, thoughts, or motives (decreased for liars);
8. The inclusion of visual and auditory details (decreased for liars)
9. The inclusion of spatial (where) information and temporal (time) details (decreased for liars)

## **Cognitive Interviewing Techniques**

### **WITNESS**

- 1) Introduction and rapport building. Explain what is expected and how you will conduct the interview.
- 2) Tell me everything that happened one hour or any other time frame before the incident occurred.

After the free recall, ask probing questions of the sensory details described

3) Ask them to recall but start at a different location in the story

4) Change perspectives. If you watched the events from a video in the corner or the room etc., what would you have seen?

## **Ci Forensics**

Step 1 – introduction / rapport – discuss with the subject neutral topics or even topics of shared interest for which they have no reason to lie

Step 2. Narrative – instruct them to tell about the event in as much detail as possible. No challenges, extenders all right.

Step 3. Sketch – ask them to draw a sketch or illustration of the event like the general layout of the area where the incident occurred and then trace the events as they unfolded from start to finish

Step 4. Follow-up – ask open-ended questions which will further the clarification w/o confrontation. Locks them into the statement

Step 5. Reverse order – when all of the scenes of the narrative are completed with the above steps, ask them to describe the event again but in reverse order; ending to start

Step 6. Challenge – remaining soft spoken and respectful ask them about any inconsistencies or incriminating statements. It is all right to even tell them that you believe they are lying about the entire event.

## **The Interview Page**

Before you ask them any questions, have them give you a written statement. This is considered an uncontaminated statement and will often give you everything needed to prove or disprove a statement or provide the areas of your questioning.

Have a ballpoint pen and plenty of paper available. Before anything else, tell them the following,

NAME: I understand that

(your home was broken into, you had personal items stolen from work, you were robbed today, or you witnessed .... Today.) Before we discuss this, I'd like you to first tell me what happened by writing in complete detail everything you know about this matter. Before you begin, take a moment, read the top of this page, and let me know that you understand all of the instructions. Before we begin, do you have any questions? (Most common will be 'where do I begin?' to which you answer at the beginning.)

In the heading of the paper, type the following,

Please explain in detail everything that happened.

(If necessary include a time frame i.e. everything that happened from the time you woke up on date, 20\_\_ until you went to bed) Please write clearly to enable us to understand what you are saying. Should you make an error, spelling or otherwise, and desire to correct it, draw one line through the incorrect word or phrase and then add in the correct word or phrase. Avoid blacking out any mistakes.

Once you have their statement, make a copy of it. Never mark on the original. You can now take the copy and either write on it directly or transcribe it into an examination format, lines numbered, double space, broken into either sentences, text bridges or segmentation markers for analysis.

**Indirect Personal Assessment** sample ask to multiple people with personal knowledge. Use IPA to seek out vulnerabilities. By questioning those with direct knowledge of the subject we look for weaknesses. I.e. Problems with authority we can complain about our own supervisors during rapport.

**FAMILY HISTORY**

Name                      dob                      place of birth                      arrest history                      socioeconomic  
 upbringing                      #brothers                      sisters                      subjects place in birth order                      parents alive  
 where died buried where                      relation w/ parents {close, distant}                      Did relations ever change  
                     dominant parent                      either parent absent growing up                      significant dates to the subject  
 {bdays, anniversary}                      family religion                      current religion                      Subjects current  
 address                      who live with                      group participation                      expressions of distrust toward  
 any group

**APPEARANCE**

Distinguishing marks or tattoos                      any self-conscious issues                      typical gestures/mannerisms  
 do they do anything to hide these issues                      your impression of their standard appearance

**HEALTH**

current status                      recent changes in health or weight                      mental health treatments                      mental  
 health history in family                      drug/alcohol use                      recent change in use                      their  
 uses normal or excessive                      sleeping habits                      changes in their sleep habits

**EDUCATION**

Highest level of school completion                      where/when                      why if not completed

**EMPLOYMENT**

Presently employed                      where                      what                      how long                      name of company  
 describe his performance {tardy, lazy, proficient}                      does it require him to interact with others

**MARRIAGE**

Married                      importance of marriage                      problems                      how many marriages  
 children                      ages/genders/custody

**HOBBIES**

Special talents                      how spare time                      types reading/movies                      games/sports  
 what spend money                      vehicle owned and describe

## PERSONALITY

How would you describe them {loner, angry, happy, distant}			what failures
experienced	display emotion	what makes happy	risk taker
truthful	sense of humor	profanity use	handles stress
how does he deal with authority	temperament	self-opinion	close friends
weapons owned	ever talk of harming self-	violent tendencies	ever
brag about harming others	threaten others?		

## Interview Format

- Officer safety considerations. No weapons
- Determine what the elements of proof are to guide your interview. What is required from this interview to charge. Start with what you know, determine what you don't know, and then shape your questions accordingly.
- Prepare the interview room and yourself. Have everything required including reports, witness statements, sworn statements, pens, and have at least 6 broad prepared questions to use to gather as much info in the beginning.
- Be prepared to offer refreshments
- Look, act, dress, and use language of respect.
- Before entering the interview room, offer a bathroom break.
- If there are others in the room introduce and maintain relaxed professional attitude.
- Let the subject know that you are committed to obtaining a detailed statement as part of a thorough and comprehensive investigation - encourage them to give you every detail that comes into his/her mind and not to censor or leave anything out
- Be mindful of your own body language, posture, and demeanor (they will be evaluating your conduct just as you are evaluating theirs), your tone of voice and vocabulary
- Be sure that they do not have any other appointments they are required to attend within 4 hours. If so re-schedule.
- Four hours is a good time frame and try to begin after breakfast or after lunch to ensure they have eaten
- Warn the subject about potentially embarrassing questions, especially in cases involving trauma or sexual abuse
- Conduct a physical assessment.
  - What is your general health?...Excellent, good, fair or poor...Explain.
  - Have you taken any medication in the past 24 hours?...
  - Ask about effects of medication...You may have to go to PDR or internet.
  - Alcohol in the past 24hrs?
  - Are you presently being treated by a doctor?...Explain...
  - Pregnancy?
  - Amount of sleep in past 24 hours? What is the norm?
- Initiate some rapport building with generalized questions about the weather and how their day was progressing, traffic, etc. This is a non-accusatory phase interview where you can ask, "Tell me about yourself."  
Use a personal bio sheet to help relax them for the interview. Some of the information to ask:

- Interview Facts (Date, Location, Time Started/Ended)
- Name (Legal Name, What does the subject prefer to be called - Joe v. Joseph)
- AKA/Salient Characteristics (all AKAs, Scars/Marks/Tattoos)
- Personal (Race, DOB, Height/Weight, Hair, Eyes, Male/Female)
- DL/SSN
- Home Address and Phone Numbers (Home, Work, Cell, Carrier, Email)
- Company Name and Work Address (including Title and Length of Employment)
- Marital Status, Name of Significant Other (Married/Single/Divorced, Name of Spouse/Significant Other)
- Names/Ages of Children
- Education (Highest Grade Completed, Last School Attended)
- Military (Branch, Dates, Rank, Specialty)
- Nearest Relative Not Living with You (Name, Address, Phone)
- Prior Criminal Record (Crime Types(s), Agency, When)
  - o If the suspect lies about prior arrests, do NOT challenge him or bring it to his attention; this is a great opportunity for you to see how he looks and sounds during a lie
- Health Issues/Present Condition (Under Doctor's Care, Medications; Feel, Sleep, Eat/Drink)
- Vehicle Information (Year, Make, Model, License, Color, Style)
- Social Worker, Parole/Probation Officer (Name, Phone Number, Email)
- Ask if previously questioned but not arrested in another matter? (Where, What, When)
  - o This may reveal prior information from a different agency that you otherwise would have no knowledge of
  - o Previous questioning that did not result in an arrest or conviction is something that you most likely won't find in any database

This should take no more than 30 minutes.

- Conduct an honesty check - "Is it your intention today to be completely honest with me?" If yes, praise. Good I am glad to hear that you want to resolve this issue.
- Provide the introduction as to why they are there

"John, as you know, we are conducting an investigation into these allegations made by ... . The purpose of our investigation is to determine the truth about what happened. The purpose of this interview is so we can take a statement from you and get your information about this. I appreciate your cooperation in this matter and I'm sure you're just as eager to get to the truth of this as we are. It is imperative that you are 100% truthful with me. The truth is like being pregnant; you either are or are not. There is no middle or gray area. Together, we can get past almost anything, but we cannot get past a lie. You must tell only the truth. Do you understand?"

- You can explain to them the types of crimes you investigate and include the current investigated crime in the middle. Explain how professionals are examining everything and an investigative composite developed to help us prove the case.
- If Miranda is required, do it now
- Take a short break. During this time, confer with other officers who have been observing the process. Prepare a plan with questions, themes, and choices. Determine if they are emotional or non-emotional to help in your theme development.
- Ask them a question like; the investigation into the crime will be very thorough. How do you think it turn out for you? or "Why are you involved in this investigation?" or "Have you ever lied to a person of authority?"
- TEDS-PIE statement (Start the FREE-NARRATIVE) using the six interrogatories, who, what, where, when, why, and how

- TEDS stands for:
- "Tell me..."
- "Explain to me..."
- "Describe for me..."
- "Show me...."
- PIE stands for:
- "Precisely..."
- "In detail..."
- "Exactly...."
  
- Expect the first narrative to be short. People will typically provide a basic outline of the incident without many details (e.g. The guy came into the store, pointed a gun at me, demanded money, left on foot and that was all I saw.)
- If it is a shortened version, give them a narrative review. Explain to them your need to get all of the facts. They will hear the story from your perspective and realize that there are significant gaps of missing information
- Gather all of the info on the topic by asking what else or what happened next so you stay on topic and can create additional clarifying questions
- Ask clarifying questions
- For a clear stimulus response, the questions should contain only one idea, keep it short, simple, and straight forward. This prevents confusion on the part of the interviewee as to which part to answer.
- If this is a witness/victim interview, the Cognitive Interviewing Technique with its mnemonic's can help. (e.g. Close your eyes and think about all Contextual, Perceptual, Affective's, and Reproduction of Conversation)
- For a clear stimulus response, the questions should contain only one idea; keep it short, simple, and straightforward. This prevents confusion on the part of the interviewee as to which part to answer.
- Identify the time gaps and close them with reinstatement techniques always in chronological order
- OPTIONAL - Have them write five reasons why someone in their position would make up a story similar to theirs. They will often give reasons why they could be guilty which can provide theme material
- Take all the breaks necessary here to confer with others on the areas requiring clarification
- Ask BAIT questions of plausible evidence.
  - Eyewitness
  - Fingerprints
  - Footprints
  - Tire tracks
  - Timeline issues
  - Co-conspirators testimony
  - Cell phone records
  - Surveillance video
  - DNA evidence

- Expect protest statements like “I am not the type of person who would do such a thing. Tell them I am glad to hear that and it reinforces my belief that this happened because you were put in a situation you had no control over.
- Protest statements (convincing) from guilty individuals. They would rather tell you what a great person they are than answer your questions directly. One of the reasons this tactic is so effective is that the content of the protest statement is usually true. If the subject tells me she is a devout Buddhist, she probably is! By paying attention to the words instead of their meaning, it is easy for one to be deceived. The interviewer needs to recognize protest statements and register the fact that they are often non-responsive to the question asked. They have failed to answer the question directly. A truth teller provides you with meaningful, relevant, pertinent, and verifiable information about the crime. Some typical protest are:
  - I’m happily married.
  - No one touched that girl, she’s a pathological liar.
  - I’m a devout Christian.
  - I’ve never even thought about doing something like that.
  - I love kids, I would never do something like that.
  - I’ve been driving 20 years and never had an accident.
  - Why would I do something like that. We have been friends since childhood
- This is our transitional point from an interview to an interrogation. They have talked more up to this point but all indications are that they are involved. We start to talk more to prevent them from retelling lies. To stop them say their first name, or Name, hold on a second, or hold up your hand in the stop fashion.
- Here are some transition statements starting soft to more direct based upon how sure you are of their involvement.
  - You seem to be thinking about something
  - Something is clearly on your mind
  - Something seems to be bothering you when we talk about
  - You seem uncertain when you say
  - When I ask you about \_\_\_\_\_, I can see some concern on your face
  - I have some concerns about what you are telling me
  - I think you need to rethink your answer
  - We’ve completed our investigation and, frankly, we can’t eliminate you
  - Our investigation indicates you were involved in some way
  - Our investigation clearly shows that
  - I’m absolutely certain that I know the who and the what. Now all I need to know is the why
- Keep your language and tone soft. Use soft words like took instead of stole, inappropriate touching instead of molesting etc.
- Talk to them using components of influence
  - Rationalize the action-Come up with an excuse or reason for everything to allow them to save face
  - Project the blame so they feel that it is not all their fault
  - Minimize the seriousness-Convey that nothing is as bad as it seems. It could be worse

- Socialize – Let them know that this could have happened to anyone. Humans err.
  - Truth focus-keep them focused not on the actions but this is a fixable problem but the repairs cannot begin until the truth is told
- Make sure that the sentence following the transition statement is empathetic towards them and always reward them with a positive statement when they agree.
  - If they make a weak denial, you are on the right track. Continue to repeat to them how they need to clear this up. Offer an alternative like, “It’s certainly not the worst event I have ever looked into and I can see how you are basically an honest person. Did you do this for (BAD REASON) or for (A GOOD REASON). I think it was the GOOD REASON wasn’t it.”
    - “Is this something you planned, or did it just sort of happen?”
    - “Did you take the money to buy drugs, or were you just trying to provide for your family?”
    - “Did you intend to hurt this person, or was it an accident?”
    - “Were you trying to take advantage of her, or were you just trying to show love and affection?”
  - If they return to a convincing statement or get angry, the best approach is to agree. “Your right. Things can get tough and the world is not always fair, (Then back to your transitional) That’s why it’s so important that we resolve this, so we can get back to \_\_\_\_\_. There’s no judgement, we just want to fix this so everyone can \_\_\_\_\_.
  - OPTIONAL - Depending on the type of investigation, you can explain how the prosecutor’s office will receive the case information for charge determinations. You could explain how in a hypothetical situation, two people are accused of a crime. Each is interviewed and the first one says they are innocent and they don’t care what anyone thinks. The other states they are sorry for their actions, admit to making a mistake and willing to repay the victim for losses. Of the two, whom would you respect the most? If they confirm the second, reward them with positives, “Good. I am glad to hear you are concerned for the truth.” AND/OR
  - OPTIONAL - Explain how there are two types of people in the world. The common criminal and the person who gets into a position they cannot control. We have all been in that type of situation. Can you explain to me how this thing happened? This whole thing is a situation that just got out of control isn’t it. AND/OR
  - IF APPROPRIATE - Would you be willing to compensate the victim for their loss?
  - These questions are only going to be effective when the subject displays defeated non-verbal behaviors. If, after deploying an alternative question, the subject does not make an admission, simply transition into another theme and try a different alternative question several minutes later. Once the subject makes his first admission, be sure to respond with positive reinforcement. Thank him for his honesty and ask him to tell you more about what happened.
  - Follow up questions should be general in nature and encourage the subject to keep talking:
    - “When did you begin having sexual relations with ...?”
    - “When did you first get the idea to take the money?”
    - “Tell me your side of the story.”
    - “Tell me about the last time you lost your temper with your child.”
    - “Tell me more about that...”
    - “What happened next...”

- Watch your vocal tone and do not become overbearing. Be patient; remember that most subjects will disclose a little information hoping the investigator will be satisfied. Use micro-action interviewing techniques to fill in gaps.
- If they confess, have them start in the beginning and tell everything that happened. Have them tell if anyone else was complicit and what they did with or how they planned it. Make sure they tell you that they know that what they did was wrong.
- Accusatory questioning if everything leans in that direction.
- Keep them simple and direct, Did you steal any of the missing money? Were you involved in any way with the theft of the missing money?
- Did you shoot the victim or by name? Were you involved in any way with shooting the victim?
- Ask only one action in one question, Did you break into the victims house or (name's) house? Did you know the house was going to be broken into?
- Maintain a level mode and tone
- If they respond in an evasive manner, return to your discussion of fixing the problem
- When they have finished, and you have evidence to the contrary of their GOOD REASON, confront them with it. Try to get them to finally admit to the real reasons behind their actions.
- After confessing, the defense's goal is to show this as a coerced confession. Besides audio/video proof, another method is an Apology letter. To obtain a letter of apology from a confessed subject, keep in mind the following:
  - The purpose of the letter is not to acquire a detailed written confession, but to reinforce their culpability.
  - An apology letter is a "softer" form of a confession.
  - Sell the letter to the subject to convince others he is truly sorry for his actions.
  - Say to the subject, "I'm going to give you an opportunity that I give everyone and they've all agreed." This is a technique used by sales professionals. You're planting the seed that if "everyone" else has done this, it's a good idea for him to do it as well.
  - Do not ask the subject if he wants to write the letter. Simply provide the subject with pen and paper, and the choice as to whom to write the letter.
  - Exit the room and allow the subject to write. The act of you leaving the room demonstrates the voluntariness of the letter and his statements.
- Remember you cannot get a 100% confession rate. Exhaust all avenues to complete the process. There may not be another chance.
- Develop a closing. Thank them for their assistance
- Give them some tips on what to do if he/she happens to see the suspect, accomplices, or vehicles involved
- Tell the subject that they will remember additional information and ask them to please write it down and call you as soon as practical
- Ask them if you have more questions later would it be all right to contact them for clarification.