

What Sex Offenders Can Teach Us About Interviewing



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Agenda

- ◆ Compare confession rates for criminal investigations with generic criminals versus sex offenders/child molesters.
- ◆ Review research studies that focused on “what works” with sex offenders.
- ◆ Anecdotal comments from sex offenders who confessed and sex offenders who did not confess about the police interview they experienced.
- ◆ Advice and interview strategies used by experienced child abuse detectives with high confession rates.
- ◆ Video of suspect interview.

Why Do We Need Sex Offenders To Admit?

- ◆ **Children suffer less.**
 - Less guilt/self-blame
 - Less need to testify
 - Family more supportive
 - Victim and offender can start treatment from a better place.

“Confessions have a greater impact on jury decisions than witness statement or even, hard physical evidence.” (Kassin & Kneuman, 1997).

- ◆ Confessions were one of the primary reasons for charging in 37% of cases (Gray, 1993).
- ◆ Result in more “guilty” pleas and convictions.
- ◆ Reduce the use of valuable resources by police and court systems.
- ◆ Increase offender accountability, surveillance and relapse prevention techniques.
- ◆ Reduce risk in future “safety planning” or family reunification.

Factors That Contribute to Confession Rates (Beauregard, et al. 2010)

- ◆ Suspects decide to talk as opposed to remaining silent or asking for an attorney (Moston, 1992; Pearse, et al., 1998; Phillips & Brown, 1998).
- ◆ Strong evidence is available (Evans, 1993; Moston, et al., 1992; Phillips & Brown, 1998).
- ◆ Certain strategies, such as the use of moral justification, psychological excuses for offending/ minimization of harm done or flattery/ compliments may help/identification of contradictions (Evans, 1993; Inbau et al., 2001; Irving et al., 1989; Leo, 1996).

More Factors

- ◆ Investigators adopt certain attitudes, such as empathy, respect and patience (Holmberg & Christianson, 2002; Moston & Engelberg, 1993; Moston & Stephenson, 1994; Williamson, 1993)

Do You Know What Your Confession Rate Is?

- ◆ Confessions rates for **general crimes** **42% to 55%** (Kassin & Gudjonsson, 2004).
- ◆ Confessions rates for **child sexual offenders** **range from 21% to 37%**.
- ◆ Reduction probably due to increased shame involved in crime and need for specialized interviewer skills.
- ◆ Advanced age, experience with criminal justice system, and generic criminality decrease confession rates.

What Sex Offenders Can Teach Us About Interviewing (Jewell Jensen, 2008)

◆ Part I

- ◆ 112 paroled adult male sex offenders.
- ◆ Most served 12 months to 8 years
- ◆ 25% served 8 to 20 year.

◆ Part II

◆ 26 Police Officers

◆ 9 LEA

- Clackamas County Sheriff's Office
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Roy Juul, Licensed Polygraph Examiner (1929-2003)

- ◆ 1986 - Matlock/Columbo” and “Father Confessor”
- ◆ Cheerful greeting and offering coffee
- ◆ Sweaters, lapel pins and tie tacks
- ◆ Humble, and friendly
- ◆ “Spittin and whittling,” “jumping in the bag,” and allowing them to “save face.”
- ◆ “Are you a bad person or did you just make a mistake here?”

Confronting the Sex Offender – The Final Investigate Step (Duehn, 1998)

- ◆ Time played a role in confessions rates
 - 22% if suspect interview took place 2 to 3 days after child's disclosure
 - 72% if interview took place within 24 hours.

More Studies

- ◆ Confessions more likely when offender was White, single, had a higher IQ, expressed feelings of guilt, had a dependent personality, and “seduced” as opposed to violently offended child victim (St Yves, 2002).
- ◆ Found that child molesters were more likely to confess than rapists or violent child molesters (Gudjonsson & Sigurdsson, 2000).

Interactions Between Factors Related to the Decisions of Sex Offenders to Confess During Police Interrogations (Beauregard, et al. 2010)

- ◆ 624 sex offenders in Canadian prison system.
- ◆ 39% CM, 25% Rape III, 36% Rape/Sex Assault.
- ◆ Average age = 39.
- ◆ Average prison sentence = 4.2 years.
- ◆ **30.6% were sexual recidivists.**

Interactions Between Factors Related to the Decisions of Sex Offenders to Confess During Police Interrogations (Beauregard, et al. 2010)

- ◆ 43% confessed, 57% did not.
- ◆ Found that offenders were more likely to confess if they were:
 - Introverted (avoidant, dependent, passive-aggressive)
 - Specialists (sex offenders vs. general criminals).
 - Had deviant sexual fantasies prior to offense.
 - Had male victims, and/or the victim came from “criminal environment” (child was being neglected or maltreated by own family, living in poverty, parents were criminals, etc.)

Understanding the Psychology of Child Molesters: A Key to Getting Confessions (O' Conner & Carson, 2005)

- ◆ Interviewed 45 incarcerated child molesters
- ◆ 36% confessed, 64% hadn't.
- ◆ Officers who exhibited “decency, patience, composure, and professionalism” had been more likely to elicit confessions.
- ◆ Offenders reported that they knew “within seconds,” whether or not “there would be rapport, or honest conversation.”
- ◆ Results suggested that police should use a “pseudo-therapeutic approach” to interviewing.
 - “non-threatening,” “non-judgmental,” and “empathetic.”

An Investigation into the Effective and Ethical Interviewing of Suspected Sex Offenders (Kebbell, Hurren and Mazerolle, 2006)

- ◆ 19 incarcerated sex offenders.
- ◆ 17 confessed, 2 didn't.
- ◆ Semi structured interviews.
- ◆ Participants more often confessed if they thought they would receive “**a more lenient**” sentence.
- ◆ Results supported the use of “**fair, compassionate, non-aggressive and honest**” interviewing procedures.

An Investigation into the Effective and Ethical Interviewing of Suspected Sex Offenders, Cont.

- ◆ Subjects were impacted by **minimization** (“it’s not like you killed her”), and **maximization** (“at least you are standing up and taking the blame like a man”).
- ◆ Displaying an understanding of “**cognitive distortions**” (“you were just showing the kid how much you loved them”) led to increased effectiveness in interviewing.
- ◆ **Empathy** (“I know you didn’t mean to hurt them” or “I know how hard this must be for you”).

An Investigation into the Effective and Ethical Interviewing of Suspected Sex Offenders, Cont.

- ◆ Confessors perceived the interviewer:
 - To be “ethical.”
 - Perceived the interviewer to have displayed more “humanity.”
 - Perceived the interviewer to have displayed “less dominance.”
 - Perceived that there was “more evidence” against them.
 - Accuracy of evidence played a significant role.

Wording is Everything (Jim Starks)

- ◆ Don't use accusatory/legal words such as sexual abuse, sexual assault or rape.
 - “Did you have oral sex with her?”
 - “Did you put your penis in her mouth?”
 - “Did she put her mouth on your penis?”
 - “Did she kiss your penis?”

What Sex Offenders Can Teach Us About Interviewing (Jewell Jensen, 2008)

- ◆ **Part I**
- ◆ 112 paroled adult male sex offenders.
- ◆ Most served 12 months to 8 years
- ◆ 25% served 8 to 20 year.
- ◆ 62% CM, 12% SA, 11% stat rape, 9% CP, 6% exhibitionism.
- ◆ 60% admitted a portion or “all” of crime.
- ◆ 40% completely denied crime.

“Admitters”

- ◆ Said officer was “calm” and “business like.”
- ◆ Officer treated them “with respect.”
- ◆ Helped them appreciate the need to tell the truth.
 - “Be a man” and do the right thing.
 - Less harm to victim/family.
 - Might get a “better deal.”
- ◆ Made them believe there was “enough” evidence.

Comments

- ◆ “They had so many details about what happened, there just wasn’t much point in lying.”
- ◆ “They talked to me like I had a regular problem.”
- ◆ “He told me I would get help.”
- ◆ “They acted like they could understand how someone could do this.”
- ◆ “He gave me a way out.”
- ◆ “He told me why it would be better to just tell the truth.”

More Comments

- ◆ “They spent a lot of time talking to me about how things like this happen.”
- ◆ “He told me it wasn’t about me, it was about knowing what happened, so they could get the victim the right kind of help.”
- ◆ “They told me they weren’t there to find out if I did it, just why.”

More Comments

- ◆ “The cop told me they had everything they needed and just wanted to hear my side for the record.”
- ◆ “He took his time with me. He was patient and really seemed to want to see it from my point of view.”
- ◆ “Even though I knew he was doing his job, he treated me fair.”
- ◆ “He didn’ t even treat me like a pervert.”

More Comments

- ◆ “I told him because I knew what I’d been doing was wrong, and I knew it was. I was sorry.”
- ◆ “For a detective, he was polite and friendly, he was easy to talk to, just like a friend and he understood.”
- ◆ “There were two of them, even though I knew they were doing that good cop/bad cop thing, I still told the nice one everything.”

More Comments

- ◆ “I knew that calling her a liar would make me look like an ass.”
- ◆ “They interrogated me for four hours, told me they knew I was lying. I think they just wore me down.”
- ◆ “He took me outside and talked to me there. He didn’t embarrass me in front of my family, he let me save my self-respect and I felt like I owed him.”
- ◆ “He was straightforward with me and didn’t seem fake at all. Now I know he probably was.”

Comments

- ◆ “It’s funny, I knew the tape recorder was on, but after a while, I forgot about it.”
- ◆ “He told me he wasn’t there to judge me and I was tired of living a lie.”
- ◆ He was cool, he had me meet him at Starbucks and it seemed so non-threatening. I guess I didn’t really understand what was happening.”

Comments

- ◆ “The cop told me she’ d been interviewed by the child abuse center and gave a very clear statement about what I did. I could just imagine how that turned out.”
- ◆ “If it had just been one girl I would have lied, but I knew it wouldn’ t work to say both of them were lying.”

Suspect Confessions of Child Sexual Abuse to Investigators . *(Lippert, et al. 2010)*

- ◆ Lippert study examined 282 cases
- ◆ Suspects were 3 ½ times more likely to confess when child had undergone sound forensic interview and disclosed.
- ◆ Suspects twice as likely to confess when corroborating witnesses interviewed.

Other Findings

- ◆ 64% confessed when children's disclosures and medical evidence "was strong" (Faller & Henry 2000).
- ◆ Evidence of abuse against another child was strongly related to confession (Faller & Henry 2000).

“Invitations to Responsibility”

Alan Jenkins.

- ◆ Total deniers
- ◆ Partial admitters
 - Challenging versus confrontational
 - Non-judgmental
 - Persuasive
 - Reinforces accountability
 - Seductive or manipulative

Contemplation

Most of the men I meet find it almost impossible to face up to what they have done. Some feel an overwhelming sense of shame when they think about it. They can't understand why it happened and feel it was totally out of character for them to have behaved in such a manner. As a result, they push it right back into the back of their minds. Many wind up painting themselves into a corner where it becomes harder and harder to face up to. They would like to face up to it, but it seems like too big a step to back down and face the consequences. Some have pushed it so far to the back of their minds, that they have almost forgotten what happened and need time to look back and recall it.

Contemplation

It takes a lot of courage to face up to the fact that you sexually abused your stepdaughter. Most men can't face up to it and cop out by pretending that nothing happened. They run from fear and shame and never find the courage to make a stand and put things right. When did you first decide to put things right? How did you manage to face the truth? What does this say about you as a person/ man/ father? Facing up offers the only way a man can develop some self-respect and learn to live with himself instead of living a lie and being constantly on the run from himself.

Contemplation

There are some things I've learned from the men I've talk to. First, I've met very few men who wanted to hurt their children. Most of them have been very caring people and not the monsters that tend to get talked about on TV. Most of them wanted to have loving caring relationships and somehow, sex got in the way and the whole thing got out of control. They didn't want to hurt the people they loved. Some just didn't know how to stop the abuse.

Contemplation

- ◆ Would you be prepared to let the child/victim carry around your load of responsibility instead of carrying it on your own shoulders?
- ◆ Would you be willing to sacrifice the child/victim's life so you could avoid the consequences of your actions?
- ◆ Would you be prepared to let the child/victim carry the guilt for you the rest of his/her life or could you handle standing on your own two feet to heal him/her and put the abuse behind them?
- ◆ Could you actually face yourself if you let the child and other people carry it for you?

Generational Abuse

- ◆ Are you the first person in your family who has abused others but made a stand to try to stop it?
- ◆ Do you want the cycle of abuse that has been handed down from generation to generation to stop because of you?
- ◆ How would you feel if your family continued to abuse others because you didn't have the courage to step up?

Accountability to Victim

- ◆ Are you prepared to earn self-respect the hard way, by facing the painful consequences of your actions, or could you pull the wool over your eyes and ride along on unearned sympathy and forgiveness from others?
- ◆ Are you prepared to put the victim's need before your own?
- ◆ Do you think you could ever hope to understand the victim's feeling if you never looked closely at what you did to him/her?
- ◆ What would it mean if the victim faced up to more of the details of your abuse than you did?

What Sex Offenders Can Teach Us About Interviewing (Jewell Jensen, 2008)

“Deniers”

- ◆ “I’d been arrested before so I knew what would happen if I talked. There was nothing he could have said or done that would have made any difference.”
- ◆ Officer “played games.”
- ◆ Was “mean,” hostile and threatening.”
- ◆ “The whole time I was sitting there, I knew it would ruin my whole life and that they didn’t even care.”

Comments

- ◆ “The minute he turned on the tape recorder, I clammed up.”
- ◆ “They played a bunch of word games and just kept trying to trip me up.”
- ◆ “I knew what they were doing, they must have thought I was stupid.”
- ◆ “I knew the more I told, the longer I’d do. So I only admitted what they knew.”

Comments

- ◆ “My life was already in shambles, one more person threatening me wasn’t going to make any difference.”
- ◆ “I wasn’t going to tell them anything. I knew I’d lose my job, my career, my family, my house and everything else I owned. My fear kept my lying and denying.”
- ◆ “I was worried about what he thought about me and I didn’t want him to think I was a pervert or some kind of predator.”

Comments

- ◆ “He almost had me but he gave up too soon.”
- ◆ “He harassed me at work, made promises he never kept, lied about what I said.”
- ◆ “He thought he was so slick, he thought he knew all the tricks and threats. He had his hand on his gun during the whole interview, I despised him and wouldn’t have told him a thing.”

Specific Tactics

- ◆ Make sure it has some truth in it.
- ◆ Rehearse your story so you tell it the same way
- ◆ Maintain eye contact but don't stare.
- ◆ Use fluid, non threatening hand gestures.
- ◆ Have good manners/vocabulary/hygiene.
- ◆ Show feelings of disgust for child molesting/molesters.
- ◆ Point out your good behavior.
- ◆ How can you believe I would do something like that?
- ◆ Deny it, say you were never alone, etc.
- ◆ “You can check my record.”

Discrediting the child.

- ◆ She was mad at me because I punished her.
- ◆ She wanted to go live with her mother.
- ◆ I wouldn't let her date.
- ◆ Her friend made something like this up and got a lot of attention so she did it.
- ◆ Her mother coached her.

What Works: Basic Tips for Child Abuse/ Sex Crime Investigators (Jewell Jensen, 2008)

◆ Part II

◆ 26 Police Officers

◆ 9 Law Enforcement
Agencies

- ◆ Clackamas County Sheriff's Office
- ◆ Dept. of Justice
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What Works: The Basics

- ◆ Experience
- ◆ Two year rotation
- ◆ Personality
- ◆ Attitude
- ◆ Observing other detectives
- ◆ Getting feedback
- ◆ Tracking your confession rate

Case Preparation

- ◆ Victim Interview
- ◆ Witness Interviews
- ◆ Criminal History
- ◆ Additional Suspect Information
- ◆ Pre-Text Phone Calls
- ◆ Making educated guesses about other potential victims to interview and add to case.

“What Works”

Interview lines: Minimizing

- ◆ “Look everybody has problems, some people drink, some gamble, some beat their wives and others have problems touching kids. Its not like you’ re a murderer or a rapist. It looks to me like you just made a mistake here.”
- ◆ “It’ s not like you are some freak, running around raping kids on the playground or something.”
- ◆ “It’ s easy to understand how these things happen, just look at all the sex in society, everybody’ s having trouble with it, just look at the news.”

Minimizing

- ◆ “Could it be that you were just trying to share love with her and it just went the wrong way?”
- ◆ “I’ve seen way worse stuff, what this is, just isn’t that big a deal, it’s just touching, it wasn’t like you were trying to hurt them.”
- ◆ “We all have things that just get out of control in our lives, urges you just can’t control.”
- ◆ “At least you didn’t rape her. You aren’t that kind of person are you?”

Minimizing

- ◆ “A lot of eight and nine year old girls are developing earlier and know more about sex these days, I can see how someone might get themselves in trouble this way.”
- ◆ “Did you do this a lot, or just once.
- ◆ “Did you penetrate or just rub.”
- ◆ “Did she get on top of you?” (victim the actor)
- ◆ “Did **it** go in? (softening)

Minimizing

- ◆ “In these kinds of cases, we just want to get both sides of the story.”
- ◆ “If we thought you were a dangerous person, we wouldn’t be having this conversation, we’d be arresting you. We know you aren’t like those other guys.”
- ◆ “Now in your mind, was what happened forced, or consensual?”

Empathy and Understanding

“It’s ok if you change your story as we go along. I know it’s hard to admit these kinds of things and talk about them. As you get to feeling more comfortable it will be easier to talk about and I won’t think badly of you for that.”

Maximization: Playing the Odds

”Think about it this way, imagine you are on a jury and you hear some poor little kid have to testify about being molested. Then, you hear this guy come in, with all the excuses and bullshit you’ re giving me, who would you believe? And then, when it came time to dole out the punishment, what would you do if you thought the guy did it, then lied about it and forced the poor kid to testify?”

Playing the Odds

- ◆ “Most people know kids lie to keep out of trouble, not about stuff like this. Most kids don’t even want to talk about this kind of stuff, everybody knows that.”
- ◆ “Do you know there are studies that prove fewer than 5% of cases are false allegations and that people on juries know that.”
- ◆ “You already admitted she’s a good kid, does well in school, helps around the house and now you’re telling me she’s a liar and would set you up like this?”

Playing the Odds

- ◆ “You need to know that when I write my report, I’ m going to write either, he denied it at first, but the more we talked, the more he told the truth and finally did the right thing, or I talked to this guy for three hours and he just kept lying to me.”

Playing the Odds

“Look, think about this, six months from now, a lot of people are going to read these reports and have to make decisions about you. They will have to decide what kind of person you are. Do you want them to think you are a liar, or someone who knows they made a mistake and was trying to make things right.”

Playing the Odds

“I want to make sure I understand what you are saying. (Then repeat back lies). How do you think that sounds? Doesn't that sound ridiculous to you?”

Playing the Odds

- ◆ “The biggest thing I ask for is honesty from you because when people lie, they usually get themselves in more trouble in the end.”
- ◆ “Your lies are making you look worse than I thought you were. Are you sure you want to keep going down this path?”

Guilt

“I know you must really care about her because I could tell by the way she talked about you, she really cares about you. She isn't mad at you, she doesn't want anything bad to happen to you, she doesn't want you to be mad at her either, she just wanted it to stop.”

Guilt

- ◆ “Are you religious, oh, a Catholic? So am I, were you an altar boy too? You learned about sin and what happens to people who sin right? They go to hell forever. What could you do to avoid that right now?”
- ◆ “I hear you were in the military, what would Oliver North say you should do?”

Child Abuse Detective from Alabama

- ◆ “I can see you are struggling. Are you a religious man? Why don't we just sit here and pray about what you should do.”
- ◆ “If you are able to get away with this and leave here, what do you think will happen to you.”

“Man Up”

- ◆ “I know you are a man and want to do what a man would do and take responsibility for what happened. You aren’t the kind of man who would lie or put the blame on a kid are you?”
- ◆ “You want your family to be able to respect you when this is all over. To do that, they need to know you told the truth, you stepped up. You have to set an example for your boys.”

Apology Letters

- ◆ “I bet you’ d feel a whole lot better about yourself if you wrote her a letter apologizing for what happened between the two of you. It would also show that you know what you did is wrong and people will think better of you for doing that.”
- ◆ “If you could get a message to the victim, what would you say?”
- ◆

After the Confession

- ◆ “Is there anything I forgot to ask you about?”
- ◆ “Anything you would like the Court to know?”
- ◆ ”What do you think should happen to you?”
- ◆ “So, why did you tell me all this stuff?”
- ◆ “Is there anything you could tell me to help me do a better job with people who are in your situation in the future?”

“Telling Lies: Clues to Deceit in the Marketplace, Politics and Marriage”
Eckman, 1985

- ◆ No clue to deceit is reliable for all human beings.
- ◆ Many of the things we believe to be signs of deception are not, and many of the things we believe to be signs of truthfulness are not.
- ◆ Therefore, people frequently disbelieve the truthful and believe the dishonest.

Other findings/speculations

- ◆ Special interest in deception detection and advanced training were correlated with accuracy.
- ◆ Age, gender and job experience were not.
- ◆ In some groups, age was negatively correlated (>40).
- ◆ Desk jobs diminish accuracy.

“Most of us would do well to entertain some skepticism about our ability to detect deception” based solely on demeanor.” Eckman, 1999

- ◆ Confidence in ability was not correlated.
- ◆ Increased accuracy appeared to be based on the ability to spot and decode emotional non-verbal cues on the face.
- ◆ Professional whose case loads involve a low base rate of deception do better than those with a high base rate.

Many Thanks to Some of Oregon's Finest

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