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| **TEXAS CTE LESSON PLAN**[www.txcte.org](http://www.txcte.org) |
| **Lesson Identification and TEKS Addressed** |
| **Career Cluster** | Law, Public Safety, Corrections, & Security |
| **Course Name** | Law Enforcement II |
| **Lesson/Unit Title** | Interview and Interrogation  |
| **TEKS Student Expectations** | **130.337. (c) Knowledge and Skills**(15) The student conducts interviews and interrogations of individuals ensuring protection of rights as outlined in the U.S. Constitution. (A) The student is expected to demonstrate interviewing and interrogation techniques.(B) The student is expected to simulate interviews of rape victims, child witnesses, and child victims. |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** | The students will be able to:* Define key terms associated with interview and interrogation
* Discuss legal requirements for an interview
* List the types of people who might be interviewed
* Describe strategies for interviews and interrogations
* Examine the factors that make an interrogation successful
* Explain the five stress responses
* Differentiate between adult and juvenile guidelines for interview and interrogation
* Demonstrate interview and interrogation technique
* Simulate interviews of rape victims, child witnesses, and child victims
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| **Rationale** | Nothing can make or break a case in the courts like improper interviews and interrogations. Students need to understand the constitutional rights afforded to every individual during police interviews or interrogations. |
| **Duration of Lesson** | 4 hours. |
| **Word Wall/Key Vocabulary***(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* | The key vocabulary for this lesson is in the lesson plan attachment section. |
| **Materials/Specialized Equipment Needed** | * Interview and Interrogation Key Terms
* Do’s and Don’ts of Interviewing a Sexual Assault Victim handout
* Interrogation Information handout
* Witness Information handout
* Computers with Internet access
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | * Prior to class do an Internet search two videos using the following key terms:
* Gastonia Officer Shot Witness Interview Part 2 (referred to as video clip 1 below)
* Nathan’s Interrogation Video (referred to as video clip 2 below)
* Show video clip 1 and have the students listen carefully to the types of questions being asked and the types of responses sought from the witness.
* Then show video clip 2 and have the students compare and contrast the style of questions used in the interview verses the interrogation. Observe the behaviors of the persons being questioned and discuss their demeanor.
* As a class discuss the differences between the two questioning techniques.
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| **Direct Instruction \*** | I. Legal requirements for an interviewA. Whenever a person is in custody, the reading of rights is necessary1. Miranda v. Arizonaa. Miranda was arrested at his home and taken to a police station for questioning in connection with a kidnapping and rapeb. He was 23 years old and poor, and had completed only half of the ninth gradec. Officers interrogated him for two hours, resulting in a written confessiond. Miranda was convicted of the kidnapping and rapee. The issue was whether police must inform a person subjected to custodial interrogation of his or her constitutional rights involving self-incrimination and the right to counsel prior to questioningf. The Supreme Court’s decisioni. Was based on the 5th and 6th amendment requirementsii. Stated that evidence obtained by the police during custodial interrogation cannot be used in court unless the subject is informed of the following rights prior to interrogationa. Miranda Warning (rights)1. The right to remain silent2. Any statement made may be used in a court of law3. The right to have an attorney present during the questioning4. If the subject cannot afford an attorney, one will be appointed for him or her prior to questioning5. The right to terminate the interview at anytimeII. Types of people to be interviewedA. Victims1. Determine if an offense has occurred2. Select the correct offense title3. Identify the suspect(s) as fully as possible4. Obtain any information that might be pertinent to a follow-up investigationB. Witnesses (the same criteria as victims) C. Suspects – to gather information for the interrogation III. Strategies for interview and interrogationA. Know what information you have and what information you need to obtain from the suspectsB. Establish rapport by asking questions unrelated to the caseC. Keep subjects talking and allow them to tell their own storiesD. Direct questions toward establishing the validity of witness/suspect statementsE. Direct questions toward establishing the facts of the incidentF. Confront suspects with any discrepancies with known factsG. Avoid closed (yes or no) questions – instead have subjects explain their answersH. Avoid rapid fire questions to allow subjects time to answerI. Avoid leading or suggestive questionsJ. Control your emotions, be patient, or pass the subject onto another officerIV. Interviewing child witnesses and victimsA. Plan the interview1. Proper preparation includes giving the child the choice of when and where to have the interview, the gender of the interviewer, and who will accompany him or hera. Locationi. The child needs to feel safe and comfortableii. Child-friendly décor without being distractingiii. A private area devoid of noiseiv. Age appropriate play materialsb. Timingi. Take the child’s routines into account when scheduling the interviewii. Avoid embarrassing them by taking them out of class unless it is necessaryc. The number and duration of interviewsi. A single interview is always preferredii. Balance the need for justice with the needs of the childiii. Give the child an approximate idea of how long the interview will lastiv. Discuss whether breaks will be needed2. Tailor the interview to the child – consider the child’sa. Age and genderb. Race, culture, religion, ethnicity, and languagec. Cognitive and linguistic abilitiesd. Present emotional statee. Mental and physical healthf. Family composition and living arrangementsg. Nature of his or her relationship with family membersh. Daily routines – bedtimes, meals, baths, etc.i. Sources of stressj. Previous involvement with child servicesk. Details of previous actions taken and support3. The influence of the interviewer is important, the child needs support throughout the interviewB. Conduct the interview1. Building rapporta. Is very important, never omit itb. Overcome initial hesitation, unease, or mistrustc. Gain understanding of a child’s communication skills and cognitive/linguistic developmentd. Reassure the child that it is not his or her fault2. Atmosphere of the interviewa. Age, attention span, and rapport building determine the paceb. Speak slowly and clearly while allowing for pausesc. Speak in a normal toned. Look for fatigue or the need for a breake. Begin with general questions as a warm-upf. Make the child feel safe3. Ground Rulesa. The child talks and the interviewer listensb. The interviewer was not present at the eventc. Tell the child, “Even if you think I know, tell me anyway”d. Then tell child it is okay to ask the interviewer to re-word or re-ask a questione. Do not give the child answersf. Interviewer mistakes can be corrected4. Telling the Trutha. Make the child aware of the importance of telling the truthb. Let the child tell the story in his or her own wordsc. Discuss the difference between the truth and lies, and give concrete examples5. Closurea. Summarize the child’s statementsb. Check with the other interviewers to see if any additional questions are neededc. Ask the child if he or she has any questionsd. Inform the child of the next step in the processe. Provide him or her with contact informationf. Thank the child for his or her time and effortg. Give the child time to compose himself or herselfC. Juvenile Guidelines1. Oral statementsa. Are admissible under Family Code (FC) 51.095 if the statement tends to establish guilt, such as the findings of secreted or stolen property or instruments used in the crimei. The statement is res gestae (made spontaneously and instinctively)ii. The statement is made in open court2. Written statementsa. Are admissible under FC 51.095 if the child is in custody of an officer and, before making the statement, had been taken to a magistrate with a statement packeti. The magistrate gives the child the Miranda warningii. The officer takes the written statement from the juvenile, but it must be in front of the magistrateiii. The juvenile voluntarily waives the Miranda rights in the presence of the magistrateiv. The officer returns the juvenile to the magistrate with the unsigned statementV. Interviewing sexual assault victimsA. First contact with the victim1. Clearly identify yourself2. Establish rapporta. Use a calm, professional, and confident mannerb. Explain what is going to happenc. Express personal regretd. Assure the victim that the assault was not his or her faulte. Reassure the victim’s safetyf. Assure him or her that you are competent, experienced, and professionalB. Contact with the victim1. Never touch, cuddle, or unduly scrutinize the victim’s body2. Offer the victim choices3. Lean toward the victim in an attentive manner4. Adjust your position if the victim is uncomfortable5. Create a sense of privacy and remove the victim from the scene6. Offer support services7. Never leave the victim aloneC. Assess the victim1. Note the victim’s physical condition2. Note the victim’s physical posture and emotional state3. Note the victim’s mental acuity4. Remember that the victim’s reactions may not seem normal or appropriate, such as smiling, laughing, or seeming disinterestedD. Allow time for the medical examination1. Before the medical examination, interview the victim as briefly as possible, obtaining only facts (who, what, when, where, how) and any other necessary details2. After the medical examination, allow time for the victim to change clothes and get comfortableE. Conduct the interview1. Act sympathetic, calm, and professional2. Create a relaxed and comfortable atmosphere3. Maintain privacy, encouraging family and friends to wait in another room4. Reassure the victim that he or she is in control and can leave at anytime5. Give the victim plenty of space6. Protect the victim’s privacy7. Obtain the victim’s consent for recording8. Allow the victim to vent9. Lead the victim step-by-step through the assault10. Do not stop and fill in the gaps – instead, note the gaps and return later11. Reassure the victim regularly12. Use familiar terminology13. Be sure to aska. Did the victim know the offender?b. Did the offender have and maintain an erection?c. Did the offender insert a foreign object?14. Ask questions about the offender’s verbal and sexual behavior15. Ask the victim to report any personal items that are missing16. Leave the following question for last (if relevant): Why did the victim wait to make the report?17. Ask the victim about his or her sexual behaviors and hygiene18. Explain HIV testing19. Explain what to expect at each step of the processVI. Factors that make an interrogation successfulA. Prepare for the interrogation1. Setting and environmental concernsa. It is crucial for the interrogator to control not only the physical environment of an interrogation, but also the subject being interrogated and the topic of discussionb. The setting of an interrogation is also very importanti. The interrogation area should be a small, empty room with minimal furniture and no distractionsii. The room should be sound-insulated to avoid unwanted noiseiii. You may only have one shot at a confession2. Knowledge of case factsa. It is essential that the interrogator know as many facts about the case as possible, including how the crime was committedb. Many times if you can tell the suspect how the crime was committed, they will tell you the reason it was committedc. This technique is somewhat risky because the interrogator will lose credibility with the suspect if he or she provides facts that have not yet been proven3. Familiarity with the suspect’s backgrounda. Knowledge of the suspect’s history is important in an interrogationb. If you understand a suspect’s feelings, attitudes, and personal values, you stand a greater chance of successc. Oftentimes suspects will confess because of emotions or defend themselves with logicd. Understanding the suspect’s goals and needs helps you be more successful at obtaining a confessionB. Determine whether to conduct an interview or interrogation1. Interviewsa. Occur prior to an interrogationb. Are used by investigators to learn information about suspects, including their fears, concerns, and attitudes, which may later be useful in the interrogationc. Consist of questions about the subjects themselves, the crime, and others that might have been involvedd. Help investigators identify verbal and nonverbal behaviors exhibited by the suspectse. Help build rapport and establish common groundf. Used to determine if a need for an interrogation existsg. Are used to gather information2. Interrogationsa. Processes that bring the investigation to a closeb. Statements obtained during the interview are now used to confront the suspect(s)c. Controlled by the investigators – they do not take notes, since they should have obtained all the information needed during the interviewd. Their ultimate goal is to obtain a truthful admission or confessionC. Document the confession1. Take care of the details prior to beginning the interrogation2. The interrogators risk being unsuccessful if they have to stop to take care of paperwork, change audio tapes, etc.3. Audio and video recordings should always occur during an interrogation (oral statement)4. Have the suspect write a statement and sign so that if the audio and video fail, there is still evidence admissible in court (written statement)VII. Legal requirements for conducting interrogationsA. It is the duty of the officers to warn the suspect who is in custody of his or her rights prior to obtaining a statementB. Oral Statements (for the use of oral confessions see Criminal Code of Procedure (CCP) Article 38.22 section 3a)1. A *res gestae* statement is admissible2. Used to establish guilt3. Made in open courtC. Written Statements (for the use of written confessions see CCP Article 38.22 section 1 and 2)1. Record information from the person involved2. Make notes during the interview – review and correct them with the suspect3. Write or type the statement in the suspect’s own words4. Enter the statement as evidenceVIII. Qualifications of an interrogatorA. Patient – long suffering, unperturbed by obstacles, delays and failuresB. Self-Confident – settled state of mind; feeling sure, calm, and self-assured without cockinessC. Adaptable – adjusting to the situation or person being interrogatedD. Corrected attitude – open-minded, unprejudiced, sympathetic, and understandingE. Alert – quick to understand and act; to perceive important, minute details and take advantage of themF. Courteous and tactful – polite, sits quietly and listensIX. Kinetic interview and interrogationA. No single behavior by itself proves anythingB. Deceptive behaviors are diagnosed in clusters (two or more signals appearing at the same time)C. Behaviors that are significant are those that are inconsistent when stimuli are repeatedD. Human communication is 65% body language, 7% verbal, 12% voice quality, and 16% miscellaneous signals (Hamilton 2001)E. Signals are easier to decipher when the subject is not in control of his or her communication flow, no prepared line of thoughtF. The interviewer must identify a baseline for the subject’s normal behavior and then look for changesG. Changes in behavior will be timely, about 3–5 seconds after the critical stimulusH. Deceptions should not be pointed out to the subjectI. Conduct a reality check. Do the facts of the case fit the behavior exhibited?J. The observing and interpreting of human kinetic behavior is hard workK. It’s easier for people to control their verbal kinetic signals than their nonverbal signalsL. Deceptive people are 90% more likely to experience speech dysfunction than honest people (Hamilton 2001). Speech dysfunction occurs because the person is unable to maintain a clear line of thoughtM. A total lack of body movement is as unnatural as excessive body movement. N. Look for body language that is inconsistent with the suspect’s speechX. Stress responses – individuals under stress will react with one of five stress response statesA. Anger1. This response is used to gain control. Do not get pulled into a subject’s anger; it results in closure2. Forms of anger are covert anger, focused anger, and rageB. Depression1. The opposite form of anger or anger turned inward2. Interviewers should empathize with depression and pull out the negative comments3. Reactive behavior, person speaks of feeling depressed, health problems, trouble with personal life, etc.4. Blames the issue at hand for causing his or her problemsC. Denial1. The rejection of reality2. When discussing critical areas, deceptive subjects have more frequent occurrences of memory failure then honest people3. More than 90% of deceptive behavior is presented in denial (Hamilton 2001)4. Symptomsa. Memory lapsei. In this case, focus the subject’s attention on the inability to recallii. Examples are “I can’t recall,” “I don’t think so,” etc.b. Denial flag expressionsi. May preface a deceptive commentii. Examples are “I have absolutely no reason to lie,” “I’m being straightforward,” etc.c. Modifiersi. Are used to respond to questions but really devaluate the answerii. Examples are “possibly,” “hardly ever,” “generally,” etc.d. Guilt phrasesi. Suggest guiltii. Examples are admitting to similar crimes, agreeing they are suspects, etc.e. Stalling Mechanismsi. Create time to formulate an answerii. Used because the suspect does not have a clear line of thoughtD. Bargaining1. The disguise of reality2. Examples are complaints for sympathy, minimizing, religious remarks, and excessive courtesyE. Acceptance1. Submission to the truth2. Punishment statements and third person statements are commonXI. Interrogation StrategiesA. Emotion dominant1. Slow and chronological2. Personalize everything, building the case one piece at a timeB. Sensory dominant1. Move quickly and get to the point2. Be objective and do not bluffC. Logic dominant1. Logical and accurate2. Link each piece of evidence and expect little feedbackD. Ego dominant1. Feed the ego2. Blame everyone else3. Use case facts only to impeachXII. Confession SignalsA. Stop talking and start listeningB. Show acceptance and give the subject a way outC. Use common sense and do not promise things over which you have no controlD. Remember to be courteous and patient |
| **Guided Practice \*** | None |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | Mock Interview. Select a student to play the part of the child witness. Give the student the Witness Information handout to look over. Select a student to play the part of the investigator. Have this student tell you the steps he or she would take to prepare the interview. The investigator will then simulate an interview with the child witness. Use the Mock Interview Rubric to assess the interview. Different scenarios can be created to simulate interviews of a child victim and sexual assault victim. Use the following materials as needed:* Do’s and Don’ts of Interviewing a Sexual Assault Victim handout
* Mock Interview Rubric (Sexual Assault).

Mock Interrogation. Select a student to play the role of the accused. Select another student or a team of students to play the role of the interrogator. Give the students playing the suspect and the interrogator(s) the offense details using copies of the Interrogation Information handout. Allow the suspect to create any additional facts as needed. Use the Mock Interrogation Rubric for assessment. |
| **Lesson Closure** | None |
| **Summative/End of Lesson Assessment \***  | * Interview and Interrogation Exam and Key
* Mock Interrogation Rubric
* Mock Interview Rubric
* Mock Interview Rubric (Sexual Assault)
* Discussion Rubric
* Individual Work Rubric

**Accommodations for Learning Differences:** For reinforcement have students find movies that have interview and interrogation scenes. Students should be able to decipher which is an interview and which is an interrogation. Students should list the qualities that determine their classification decisions. Use the Individual Work Rubric for assessment.  |
| **References/Resources/****Teacher Preparation** | * Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) Investigator’s Course <https://www.tcole.texas.gov/>
* Texas Code of Criminal Procedure and the Family Code <http://www.statutes.legis.state.tx.us/SOTWDocs/CR/htm/CR.5.htm>
* Officer’s Interrogation Handbook, Matthews Bender & Company, Inc., Charlottesville, 2004
* Hamilton, Cheryl. *Communicating for Results.* Wadsworth, Thomson Learning. U.S., 2001
* Do Internet search using the following key terms:
* Gastonia Officer Shot Witness Interview Part 2
* Nathan’s Interrogation Video
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| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** |  |
| **Recommended Strategies** |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy****Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies****Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication****90 Second Speech Topics** |  |
| **Other Essential Lesson Components** |
| **Enrichment Activity**(e.g., homework assignment) | Students view a crime show of their choice. Students should determine if the legal rights for interrogation were followed. They also need to look for the five stress responses and record which ones are present during the interrogation. Also have students list the interrogation strategies being used in the scenes. Use the Individual Work Rubric for assessment. |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA  |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)