



## Interviewing Strategy For Intelligence Gathering

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Obtaining information about another's unlawful activities (or planned misconduct that has not yet been executed) can be more challenging than asking one to acknowledge their own prior misdeeds. The code of silence, or *omerta*, is a powerful deterrent, because disclosure creates fear of retribution or being branded as untrustworthy.

Intelligence gathering for events such as espionage, narcotics distribution, human trafficking, terrorism, organized crime, as well as during national security intel/counter-intel or military operations prioritizes identification of co-conspirators, source and disposition of contraband, safe house locations, informant credibil-

ity, as well as preemptive discovery of impending future illicit behavior.

How does one approach tactical questioning, debriefing, or interrogation when the mission is to determine what a person knows versus what they've already done?

The principal strategy is fact-based direct-questioning which is executed through a five-phase protocol of "Planning and Preparation", "Establishing Rapport", "Questioning", "Termination", and "After Action Review". These elements bear rough similarities to the five phases of questioning procedures which are separately prescribed within both the US Army Field Manual 2-22.3 on interviewing/interrogation as well as the P.E.A.C.E. method of

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investigative interviewing initiated by the United Kingdom.

## I. Planning and Preparation

A) Understanding the background and motives of a person being questioned (hereinafter a “source”) is as vital to the success of a questioning session as a thorough understanding of the evidence itself. Attempts to develop such personal insight should be initiated before a questioning session is undertaken through deep dives not only into a source’s criminal and civil court history whenever feasible, but also by exploring the source’s social networks, past experiences, needs, as well as ideological and political affiliations or beliefs.

B) Subject matter expertise, versus casual familiarity with case facts, is fundamental to an interviewer’s planning and preparation. Unless circumstances mandate otherwise, all forensic methodologies should be exhausted before commencement of a questioning session.

C) Identification of evidence that may be disclosed or discussed should be anticipated and planned in advance of a questioning session. Evidence that could later be used to validate an admission against interest (i.e., specific facts that are only known by the perpetrator or by both

the perpetrator and the investigator) must never be disclosed to a source either as a means of facilitating the questioning session or to refresh a source’s recollection. Failing to reserve corroborating evidence from discussion during a questioning session is a serious breach of professional standards. Mistakes are easily made if that critical evaluation is left for spontaneous consideration while the session is underway.

D) Preparation of the location of a questioning session should respect the value of privacy, eliminate distractions, remove furniture barriers, establish means of recording whenever possible, and provide reasonable safety for both the source as well as the interviewer. Reconnaissance of a tactical site in advance of questioning is recommended if the session will be held beyond the interviewer’s customary controlled environment.

E) Objectives of the tactical questioning, debriefing, or interrogation should be determined before commencement. The game plan should prioritize whether the goal for a specific questioning session is to determine source credibility, develop substantive content, obtain admissions against interest, or explore the viability of initiating a recurring informant relationship with the source.



## II. Establishing Rapport

A) *Mutual respect* is the key component of rapport. Attempts during a questioning session to become a source's "friend" will be perceived as weak or patronizing. Instead, the interviewer will command respect from a source through preparation, professional demeanor, personal bearing, and self-assurance that does not cross the line into arrogance. An interviewer should never tolerate disrespect from a source. Instead, he or she must immediately and decisively respond to challenges in a manner which does not undermine the interviewer's stature.

B) An interviewer's *objective and non-judgmental attitude*, regardless of any negative thoughts the interviewer may privately harbor toward the source, will build rapport and stimulate truthful disclosures. The interviewer must maintain self-control of facial expressions, vocal tone, and emotions; because any inflection or display of disdain or surprise may freeze the flow of information from a source who feels he or she is being judged. Anger clouds clarity of thought, and a debriefer or interrogator who displays anger or impatience has immediately revealed their own personal vulnerability which a hostile source might then exploit against the interviewer.

C) *Sizing up* a source for relevant personal traits and emotions allows an interviewer to adapt his or her own posture, presentation, intensity of eye contact (in order to avoid intimidating a shy/insecure source), as well as choice of vocabulary (in order to maintain consistency with a source's intellectual level and to avoid "talking down" to a source through the use of overly sophisticated language). Rapport is further enhanced by an interviewer who takes time to condition a source through additional conversation and assurances in response to a source who displays extreme nervousness, fear, or anger.

D) *Explaining* the full range of issues under discussion and inviting a source to ask all reasonable questions conveys transparency and leads to trust with the interviewer. Evasiveness on the part of an interviewer is destructive of rapport, as it can cause a source to believe he or she is being "tricked". If the interviewer cannot reveal certain information, he or she must honestly say so when asked about it by a source. Similarly, if the evidence incriminates a source, then anything less than an honest reply by the interviewer to a source's direct question about its nature could irreparably destroy both rapport and the questioning session itself.

E) Allowing a source to *speak about themselves*, personally and profes-



sionally, provides an opportunity to simultaneously gain valuable insight into the source and calm his or her excess anxiety. By asking more than merely superficial questions about a source's background, the interviewer displays genuine interest which accentuates trust, rapport, and ease of communication.

### III. Questioning

A) *Direct questioning* is the principal line of inquiry in which the source is asked to freely recall his or her account of events. If contradictions occur, either within their own account or between their account and a version obtained from another source, clarification should be sought in a non-accusatory matter of fact tone. The ultimate objective is to obtain the truth, so a source should be given every opportunity to clarify inadvertent misstatements of fact.

Effective direct questioning elicits narrative responses which are descriptive beyond the simple "yes" or "no". This is best accomplished by asking "open ended" questions such as "Tell me in your own words what you heard" or "Walk me through the events of the day." Conversely, leading questions (i.e., questions which suggest their own answer) should be avoided when attempting to draw out free recall, particularly leading questions which embody negatives ("You didn't talk to Bill yesterday,

did you?") or which contain memory qualifiers ("You don't remember what you did last Friday, do you?"). Such questions invite easy reliance by the source upon the negatives or the memory qualifiers that are carelessly built into such questions. Most often, however, leading questions elicit simple one-word answers that are devoid of detail, emotions, spontaneous comment, and helpful credibility indicators which are otherwise evident within broad descriptions and time-line constructs.

Descriptive narrative responses to direct questioning should not be interrupted by the interviewer. Instead, a source should be allowed to speak fully with only periodic prompts and expressions of interest from the interviewer such as "What happened next?" or "Then what did you see?" Only if a source strays far onto a tangent should the interviewer interrupt to refocus the source's attention upon relevant issues. Once the source's narrative is exhausted, an interviewer should ask follow-up questions for clarification and to elicit even more substantive content by integrating cognitive recollections of visual, auditory, or other sensory perceptions and emotions within the source's descriptions.

Active listening by the interviewer is necessary to fully explore a source's account of events, spontaneously identify meaningful follow-up ques-



tions, and discern nuances within the source's choice of words as well as the emphasis and inflection with which those words are spoken.

B) Challenging a source's perceptions, memory, and sincerity helps manage the conversation and enhance accuracy by deeply vetting how the source knows what he thinks he knows. If a source reports that he heard a conversation between two individuals, the interviewer should logistically challenge the source's perceptions, e.g., where the two individuals were in relation to the source when the relevant statements were made, the location of the conversation, the source's distance from the conversation, ambient noise including background discussion or music, voice levels, exact words spoken, and factors affecting room acoustics such as the absence or presence of carpeting versus tile or drapery versus bare windows. If the source reports observing a sequence of events, the interviewer should logistically challenge that perception by requesting details such as the distance between the source and the action reported, other people present, background structure characteristics, weather conditions if outside, room lighting if indoors, and vantage point which might include a sketch of the location.

Similarly, a source's memory should be challenged to assure absence of

selectivity by asking the source to relate recollections of other events surrounding the date/time/place at issue which transcend the content of the conversation being reported. Absence of continuity of memory suggests a credibility gap that should trigger caution in reliance upon the intelligence being proffered. Finally, accuracy may be adversely affected by inherent bias, interest, or prejudice. Source sincerity should be overtly challenged to determine whether the reported conversation may have been contrived as deliberate disinformation for monetary or ideological gain or perhaps to cast unwarranted suspicion upon either or both of the two purported participants to the conversation.

C) Presenting an unwilling source with a moment of opportunity to establish his or her credibility induces a sense of self-control over their own destiny. By arguing to a source that it's important to understand the circumstances surrounding the source's misconduct, an interviewer provides an opportunity for the source to preserve self-respect by exercising some control over how their actions will be perceived. Such challenges to disclose information about colleagues or illicit activities yet to be carried out may be supported through analogous case examples or situations in which others exhibited the strength of character to disclose not only what they knew





but the circumstances of their hard life that triggered involvement in the unlawful enterprise.

Reinforcement through social influence (without the use of minimization or incentives) is all that is required to engender source cooperation. This approach is especially useful at moments of source vulnerability including “shock of capture” when the focus is not whether the source has engaged in the conduct (that’s already a foregone conclusion) but, rather, collateral “knowledge” issues such as identities and whereabouts of co-conspirators, contraband distribution points, source/disposition of contraband/cash, safe-house locations, etc.

Consider the following case study.

Through a continuous informant, the identity of a narcotics distributor was learned, but the origin of his narcotics could not be determined. With the help of the informant, investigators arranged a controlled purchase which resulted in the on-scene arrest of the distributor as well as recovery of heroin and fentanyl.

The distributor’s own conduct was no longer in question. The investigators’ mission now turned to learning from the distributor the origin of the narcotics as well as the method of laundering the money derived from its sale.

At the moment of arrest, the distributor was placed in restraints and was guarded at the scene by four physically capable officers. During the planning and preparation phase, it was learned that the distributor had two children who lived with him. It was also learned that he had a history of criminal convictions that included repetitive violent behavior toward law enforcement officers. No effort was spared in securing the suspect to prevent a similar violent outburst. The lead investigator, however, had a narrow window of mere minutes within an uncontrolled tactical environment amidst “the shock of capture” to establish rapport and debrief a hostile and likely unwilling source. After presenting Miranda rights, the investigator took the following approach.

“Joe, you know the drill. You can decide to say nothing at all, and this thing will take on a life of its own with the evidence speaking for itself. On the other hand you can take a hard look at the moment of opportunity staring right at you. If you’ve got the guts to tell the truth, you can control how other people will see you for who you are rather than for what you’ve done.

“What I know is that you’ve got a couple of kids who mean a lot to you. I also know you’ve had a rough deck of cards dealt to you in life – lots of hard knocks. As I see it, you’re involve-



ment in this stuff is to provide a life for your kids that's better than what you had. Another thing I know – that you've teed-off on cops before. So here's my offer. I'll take those cuffs off and we can have a conversation, eye to eye. You and I might end up rolling around in the dirt if you want, but I think you're better than that. If you've got the guts to take it, I'm giving you a chance to talk about the circumstances that got you involved in all this. If your family means anything to you, you'll take that chance. But if I give you that shot at having your story heard, you've got to level with me about how this all works. Your choice – I'll treat you like a man; but you have to tell me right now you're going to shoot straight with me." Joe said he would. The cuffs were removed, and the debriefing continued inside the investigator's SUV.

"What happened here tonight wasn't an accident, we've had you under investigation for months. So I know the answers to some of the questions I'm about to ask you, but I don't know them all. That part's up to you. Your credibility is on the line right now. If you give me a fairy tale about something I already know, then this will be over in a heartbeat. If it's true that your kids mean everything to you, that you're trying to make a better life for them, then show them you've got the guts to man-up when the going gets tough rather than cower in silence. I'm giving you that

opportunity. It's up to you to control your own destiny and define who you are; otherwise the rest of the world will do it for you."

Thereafter, a rapid-fire string of short, simple, open-ended questions was followed by complete answers from Joe about his connections both for the drugs and for disposition of cash proceeds, including names and specific locations. It was done in fifteen minutes. While still at the scene of arrest, Joe was asked why he decided to tell the truth. He replied that it was because he had been treated with respect.

D) By inducing within a source a sense of psychological isolation from co-conspirators the interviewer creates an opening to alienate the source from handlers who are reaping the benefits of the source's efforts without assuming any of the front-line risks. Through this social influence, the interviewer impresses upon the source that the people he or she is protecting have taken the source for granted, view the source as expendable, and have set the source up as a "patsy" to take the fall for those who've treated him or her as nothing more than their puppet. Thereafter, well-placed compliments that reinforce the source's self-esteem are a stark contrast to the abandonment and callous disregard displayed by those whom the source is insulating through his silence.



Consider the following case history.

A suspect, Steve, was arrested in the aftermath of a reported burglary from an exclusive neighborhood. Inside his van there were several rare sculptures and paintings that had been stolen from the residence. Steve readily admitted that he had stolen the property without the assistance of others and that it was his first and only burglary. Investigators believed, however, that Steve was part of an active enterprise that had been repeatedly targeting specific residences in a series of burglaries solely for the owners' uniquely valuable works of art. None of the stolen artwork from the previous incidents had been recovered.

The interrogator was initially met with defiance as he patiently reviewed the evidence with Steve and inquired how Steve knew not only that the artwork was inside the residence but also how he intended to sell, or "fence", such high-line property. While maintaining his professional demeanor in the face of Steve's antagonism, the interrogator made it clear that the level of sophistication required in systematically planning and executing the theft and disposition of such unique property was not random but required the involvement of others to pull it off.

To persuade Steve to reveal his co-conspirators and methodologies,

the interrogator adopted a strategy to psychologically isolate and then alienate Steve from his colleagues.

"Steve, you've been played. You're alone now; nobody is coming for you. The people who put you up to this are not here right now, you are. You're expendable to them. It means nothing to them to let you take the heat alone. They won't even look in the rear-view mirror at you, because they can always find someone else to be their "patsy". You know it, and I know it. That's what you are to them, a "patsy" -- you'll take the fall because that's how they've played you. Do you like that? Do you like the way that makes you feel?

"Think about that. I mean really think it through. It's your life. It's your dignity either to take back or to leave in the gutter. If you want someone else to keep pulling your strings, then you're doing the right thing by saying nothing at all. But if you want to get a grip on your life and stop other people from taking you for granted, then you've got to have the guts to lay it on the line.

"I believe you've got that kind of strength of character, Steve. You're not that guy who's okay being someone else's fool. You're better than that. But if you just sit there and think the people you're protecting are going to come for you, then you really are someone else's fool. If you





like being a victim, that's your choice. But really, Steve, being a patsy for people who couldn't care less about you? Not in my world.

"You can be your own man, Steve, because that's who you are. Stand up for yourself and call your own shots. You're the only one who can make that decision."

The interrogator let the room go silent. Nobody said anything for several minutes before the interrogator suggested a change of scenery by inviting Steve outside (in cuffs) for a smoke. After a few cigarettes, the questioning session was terminated, and Steve spent the night in custody.

The next morning, Steve asked to speak with the interrogator. Before any questions were asked, Steve said he thought about everything the interrogator had said the night before and agreed it was time to stand up for himself. Steve then detailed the names of all who were involved, including his older brother, in targeting and stealing the artwork, then transporting it from Chicago to New Orleans for shipment to black markets in Europe.

E) *Controlling the fear* that a source may experience from betraying those within an unlawful enterprise can be both an obvious obstacle but also a valuable catalyst in obtaining information. Fear of consequences from

the mere appearance of being an informant can sometimes be more compelling to an unwilling source than the fear induced by an act of betrayal itself.

Control over that fear can be socially influenced by suggesting to a source who is a known member of a criminal enterprise that investigators will regularly visit the source for the purpose of overtly engaging in animated conversation in full view of others who might then interpret such encounters as informant activity. The fear thereby raised within an unwilling source can then be immediately alleviated through reinforcement by the interviewer that the entire process (and its unflattering appearance) will be avoided in exchange for at least one substantive piece of actionable intelligence that will help stop the unlawful conduct or lead to victim vindication.

This approach is best reserved for the most egregious of organized illicit activities such as terrorism, narcotics distribution, human trafficking, as well as time-critical rescues of at-risk victims.

Consider the following scenario.

While attempting to locate several teenage female runaways who abruptly disappeared, investigators review security video from passenger terminals of a city's train sta-



tions and long-distance bus depots. On several occasions they observe the same individual speaking with young women, some of whom are seen leaving with the male suspect, “Alex”. Among those seen with Alex are the sought-after runaways. Alex is detained for questioning and agrees to speak with investigators after waiving his rights to silence and legal representation. Alex admits the encounters which he explains as unsuccessful attempts to develop personal relationships with the women after transporting them to various night clubs or bars in the city. He denies having harmed any of the women, and he denies knowing where they can be found.

Investigators conclude that Alex is a recruiter for a sex trafficking ring, but they cannot infer whether the enterprise is national, international, or limited just to the specific city. Midway through Alex’s interrogation, the following approach is adopted.

“Alex, regardless of what you may or may not have done, our attention is focused only upon getting these girls back home to their families. You can help us. We’re going to cut you loose – you’re free to go. But every evening going forward, I’ll stop by to see you, either outside in your neighborhood or at any one of those night clubs where you hang out. I’ll have a pleasant conversation with you for ten minutes, just to see whether you

remember anything or learned anything new about these missing girls. After all, we both know from the evidence that you’re the last one to see them. If you have nothing to hide, this process of me coming around isn’t going to bother you one bit. But if you are involved, the people who have these girls will see me coming back to you every day until you drop a dime on where they are and who has them. Once you do that, I’ll stop. It’s your choice how you want this to play out, because saving these girls is the only thing that matters to me. Make a decision, Alex.” Full disclosure ensues.

#### IV. Termination

A) The first element of the termination phase of a questioning session involves *reviewing and confirming* with a source all of the intelligence that was obtained. There must be no ambiguity between the source and the interviewer over the accuracy of the disclosures, the voluntariness of any admissions against interest that may have been revealed, or the consistency of the disclosures relative to any evidence that had been made available to the interviewer before or during the questioning session. The interviewer must be certain to identify the origin of all information obtained from the source so that third-party hearsay is not erroneously accepted as fact.



B) The second element involves *adoption* by the source in the presence of a second interviewer of any disclosures made by the source during debriefing or interrogation. This “witness” should be well versed in the case history and should be invited into the room by the interviewer after all information has first been thoroughly reviewed and confirmed between source and interviewer. The original interviewer should then recite the intelligence obtained whereupon the witness should directly ask the source whether the information is true and accurate before concluding with a series of brief, yet detailed, questions confirming both the content and voluntariness of the disclosures as well as the state of mind and well-being of the source.

If appropriate, the disclosures may thereafter be reduced to writing, either by hand or via electronic transcription within a formal question-answer format lead by the interviewer. Whenever possible, however, all debriefings and interrogations should be both orally and video recorded from start to finish, provided all lawful protocols are first followed to comport with consent requirements. Thereafter, all audio, video, written, or other tangible evidence obtained during the questioning session must be identified and secured to assure its integrity and foundation for future judicial proceedings.

C) At the conclusion of the session, the source and interviewer should part on terms that preserve mutual respect, particularly in anticipation of additional questioning sessions in the future. The interviewer should ask whether the source has any lingering questions about what may happen next and should answer them to the extent discretion permits before expressing gratitude for the source’s time and cooperation. Before closing, the interviewer should propose the possibility that it may be helpful for the interviewer to speak again with the source and seek concurrence from the source that he or she would not oppose meeting again.

## V. After Action Review

A) This represents an evaluation of the questioning session to determine whether goals and objectives have been met; whether further debriefing or interrogation of the source is warranted; whether additional persons should be questioned and, if so, in which order; and whether further investigative efforts should be undertaken toward vetting the intelligence derived from the source before acting in reliance upon it.

B) Finally, the interviewer and his or her team should review the techniques employed during the questioning session and consider potential improvements in professional

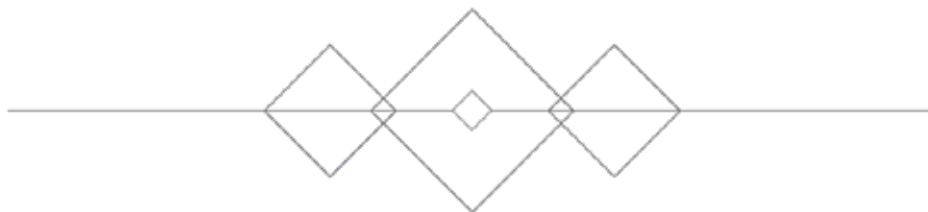


methodology so that the team's next questioning session will be even more effective than the last.

## ***Conclusion***

A direct approach that is thoughtfully executed in accordance with this five-phase strategy and reinforced

through social influence is rapport-centric, grounded in evidence-based questioning, and brutally honest. It is demonstrably useful when cultivating broad intelligence about an illicit enterprise that transcends mere admissions by an individual about their own misconduct.



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