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Murder: Anatomy of Interrogation Theme Selection and Development

By Louis Senese
John E. Reid & Associates

One of the elements of our interview and interrogation training is the explanation of the Reid Nine Steps of Interrogation (see below). The most important step in the process is Theme Development. In developing the theme the investigator presents the suspect with some type of moral justification for the suspect's criminal behavior. One of the most effective means of presenting this justification to the suspect is to place the moral blame for his actions on some other person or some outside set of circumstances. This procedure is founded on a very basic aspect of human nature -- most people tend to minimize their responsibility for their actions by placing blame upon someone or something else. The following is an example of the application of this process.

Drew killed Kate, his wife of 7 years. Kate had become unfaithful in a rapidly deteriorating marriage that produced a 5-year old son who Drew adored.

On the fatal night Kate returned home from work extremely late – actually 2:00 a.m. the next morning. These late nights had become the rule rather than the exception. Inebriated and obviously lying about her whereabouts, she and Drew got into an argument about her condition, where she had been, and what she had been doing. At one point during the heated quarrel Kate threatened to divorce Drew. She told him she would ruin his life by taking the house, demanding alimony and taking custody of their only child. This final threat about their child was the catalyst for the argument to become physical, resulting in her death. In an attempt to silence Kate, Drew squeezed her throat until she went limp. He placed her lifeless body into her car, drove it about one mile from their home, leaving it to appear as though she was the victim of a crime. The following

morning he called the authorities reporting that his wife was missing.

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Her body was discovered that morning and the subsequent autopsy identified strangulation as the cause of death. Her purse containing cash, credit cards, identification and cell phone was found intact in the car. There were no signs of sexual assault or apparent struggle in the car. It was later discovered that she was at a male co-worker's house until 2:00 a.m. When questioned, the co-worker informed the authorities that Kate's intent was to end her marriage and get even with Drew by not allowing him custody of their son. One of their neighbors reported to the police that he thought he saw Kate drive into her driveway around 2:00 a.m. that morning, contradicting Drew's statement that she had not returned home.

The primary motives in homicide are passion, greed, envy, revenge, anger and identification. In this investigation the primary motive would be passion, with anger and revenge also being factors in the equation. Drew loved his wife and did not want her to leave him and have a stranger raise his son (passion). At the same time he was distraught over her constant cheating and lying (anger), and wanted to get even with her for what she had put him through (revenge).

Most suspects rationalize and justify their illegal behavior. Drew rationalized killing Kate by shifting the blame for his actions to her cheating, lying, threatening divorce and taking custody of their child. Themes by design validate the suspect's behavior by reiterating the reasons and excuses why they committed the crime, thereby serving to morally, not legally justify the crime. Additionally, themes minimize the suspect's behavior so as to lessen their perception of the consequences. This process does not relieve the suspect of legal responsibility for his actions but rather allows the suspect to save face and dignity regarding his actions, making it easier to tell the truth about what he did.

Some investigators make the mistake during an interrogation of not selecting and developing themes but rather simply ask the suspect to explain why he/she committed the crime. For most suspects it is too difficult to explain why they committed the crime. It is the interrogator's job to suggest to the suspect why he/she may have committed the crime.

Another pitfall to avoid in the development of the interrogation theme is the use of realistic words during the interrogation. "Tell us why you strangled or murdered your wife." Less graphic words or phrases, such as, "…caused the death of Kate" should be used during theme development because they tend to further minimize the moral seriousness or uniqueness of the act.

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The primary question to ask in selecting the most appropriate themes is, 'Why did the suspect commit the crime?' In other words, what was or were the motive(s)? Understandably, with some crimes the investigator may not be able to determine motive and must therefore use a more general approach to theme selection. In those situations, the interrogation process may be lengthier as the interrogator attempts a variety of themes as he searches for those that are the most suitable.

Theme selection in Drew's case should focus on passion as being the primary motive. It is not necessary to be concerned about transitioning from one theme to another as they are closely related. Most themes contain an element of truth regarding the suspect's rationalization or justification for committing the act. The most appropriate themes to select in this situation are as follows:

Blame Kate for:
1. Being intoxicated, causing her to say things she may not mean
2. Not knowing when to shut up
3. Threatening divorce, child custody, alimony
4. Her infidelity
5. Failure to try saving a 7-year marriage
6. Staying out until early morning hours
7. Not being a proper mother to their son
8. Being selfish with disregard to his feelings

The themes selected would be developed as follows:

"Drew, the results of our investigation clearly indicate that you caused the death of your wife, Kate. As I said, we are convinced you did this but let me explain what I think happened."

"First of all, we know she came home that night much later than normal. We also know she was drinking with a male coworker. You confronted her about what was going on and she flat out lied. You didn't need to hear any more lies. You simply wanted her to stop what she was doing so you could salvage your marriage and provide a proper family life for your son. By the way Drew, I respect you for trying to insulate your son from what was happening. But the more you pleaded with her to be honest and work with you to try to save the marriage, the more spiteful, mean and selfish she became. Had she not been drinking and simply thought before she spoke, I'm sure this wouldn't have happened and you know it! The more you pleaded for the truth, the more she screamed and the more aggressive she became. After awhile you simply wanted her to shut up, right? But she wouldn't. You didn't want your son to wake up and hear what was going on.

"I can't even imagine all of the stress you were under realizing that everything you worked for was falling apart. All you wanted was to mend things but she didn't care about you, your son or the marriage. I think the emotional stress caused you to act out of

character and on the spur of the moment it happened - you grabbed her around the throat trying to shut her up. I 'm convinced you really loved her and were willing to overlook her outside relationship. I think she screamed louder and you squeezed harder. After awhile she went limp and you realized what had happened. You're being too hard on yourself Drew, it's not like you're a Jeffrey Dahmer or John Wayne Gacy – guys that killed dozens of innocent people. You are not like Stephen Kazmierczak at Northern Illinois University, with premeditation and for no apparent reason, shot 21people, five of them fatally, then shot and killed himself. You're much different; you're a good husband and father that made one mistake by overreacting to a situation.

"Drew, you are not a bad guy, you are a good parent and husband who was at the wrong place at the wrong time. After it happened, I think you panicked, placed her in the car and drove it to the end of your subdivision. If you were a bad guy you would have done something sinister like burning her body or burying her but you didn't, you wanted her body discovered. Why? Because you still loved her, right? This was situational, wasn't it Drew? "

In our example, correctly identified motive(s) and proper theme selection and development should result in a more expeditious initial admission. Once an acknowledgment of the crime is obtained, the investigator should follow with questions in which the answers corroborate the suspect's behavior, thus converting the admission into a confession.

[Reid Nine Steps of Interrogation: The Positive Confrontation Theme Development Handling Denials Overcoming Objections Procuring and Retaining the Suspect's Attention Handling the Suspect's Passive Mood Presenting an Alternative Question Detailing the Offense Elements of Oral and Written Statements]

For more information on the possible themes that can be used for dozens of other types of criminal acts visit www.reid.com, go to the Store and look for the book, Anatomy of Interrogation Themes by Louis C. Senese.

About the author

Louis C. Senese is the Vice President of John E. Reid & Associates which publishes a monthly article for their Preferred Group of Association Members, including Policeone.com. For previously published articles, visit the John E. Reid & Associates column on PoliceOne.com. For more information on the products and services provided by John E. Reid & Associates, call (800) 255-5747.

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Understanding and investigating child physical abuse

By Robert Hugh Farley M.S.
Commanding Officer (ret.)
Cook Co. (IL) Sheriff's Police. Child Exploitation Unit
Provided by John E. Reid & Associates

Child abuse is an extremely difficult type of crime to investigative in part because it is the only crime where the victim is made to feel guilty or responsible for the abuse. Conducting an investigation of any kind can be either a frustrating or a rewarding experience — even for an experienced, competent and veteran investigator. Unfortunately, it's frequently most frustrating for the person who conducts a child abuse investigation because this type of investigation may likely change the course of many people's lives forever. An understanding of the dynamics of child abuse, the victim and the abuser will provide insight into the many facets of this type of crime.

The purpose of a child abuse investigation is to ascertain the safety of the child and then to obtain the information necessary to resolve issues or a specific complaint. Every allegation of child abuse may not be credible for a variety of reasons. An investigator must gather information from victims, witnesses, suspects, accomplices — or other persons with whom the investigator comes into contact during the investigation. Physical evidence of wrongdoing can sometimes be located and identified but the investigator must know what to look for and how to assess or evaluate the evidence. The gathering of information and identifying physical evidence must be done slowly and methodically. There must never be a rush to judgment. Understanding the concepts and application of time-tested investigative practices is essential to understanding the investigative process.

The victim

Child abuse can happen anywhere. And people from all backgrounds—regardless of social,

economic, or educational level—can sexually abuse or physically abuse children. During my 28 years of conducting child abuse investigations, I have arrested men and women, for child abuse, who lived in Chicago's notorious public housing projects as well as wealthy Internet predators who lived in some of the most exclusive communities in the Chicagoland area.

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Child abuse usually takes place in secret. Frequently such abuse will go undetected for years. The victim will often conceal the abuse and then later will psychologically repress these experiences—in some cases for years. Children often will know no limits for their acceptance of the child abuser's actions. The "love" or "friendship" between a child and the abuser ensures that these acts of cruelty go undetected by other members of the community.

Physical child abuse is usually not a constant or daily occurrence. There are often many days or weeks between the actual attacks. There is usually, though, constant or daily emotional abuse directed toward the child—abusive behavior such as yelling and belittlement. But, unless the caretaker is psychotic, the actual attacks most often occur intermittently and in a somewhat discreet manner.

Physical child abuse occurs in families from all socioeconomic groups. The poor, who generally have fewer choices for medical treatment available to them, are often more easily identified and then prosecuted in many of these cases. Further, health care providers or even school personnel may be more likely to question low-income parents about how *their* child's injuries occurred, rather than questioning middle class or affluent parents about how *their* child's injuries occurred.

During a physical child abuse investigation, the parent or other caretakers will exhibit a variety of attitudes, behaviors, and responses. Some parents, when interviewed may seem unconcerned about a child's injuries. Others may feel guilty or remorseful for their actions. Still others may be reluctant to admit physically abusing a child out of fear of legal consequences or because *they* were beaten as a child by their own parents. In some situations non-abusive family members may even lie to protect a spouse or other loved one who is responsible for physically abusing a child. This occurs for a number of reasons, such as preservation of even a dysfunctional family unit, potential loss of a breadwinner, or fear of reprisals.

In an effort to conceal the physical abuse, caretakers may delay seeking treatment or fail to provide treatment for injured children. Some abusive caretakers attempt to conceal a child's injuries by having the injured child wear oversized clothing to school or by keeping the child inside a family residence for extended periods of time.

In some families, one or more children are singled out for abuse because of a characteristic

that the parent or caretaker perceives as negative. Children who are abused repeatedly because of specific characteristics are known as target children. Repetitive abuse of this kind is known as the "target" or "special child" syndrome. Targeting is not always easy to identify. It may be a causation factor when a parent claims that a child is hyperactive, aggressive, or disobedient. Again, it may not be just one child in the family who has been physically abused.

Hands and fists are the most common weapons in physical child abuse cases. If other weapons or objects are used, they are often ordinary household instruments such as a belt, a wooden spoon, or an extension cord. The overall size and shape of the injury left on a child's body may indicate the type of object that the offender used.

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Frequently during a physical child abuse investigation I have found that parents or caretakers who were abused as children are more likely to abuse their own children. A family history of spousal abuse also increases the likelihood of child abuse. Substance or alcohol abuse is another major causative and correlating factor for the physical and emotional abuse of children. The frustration and pressures of poverty may also increase the chance of child abuse. Other contributing factors can be the loss of a job, an illness or death in a family, or a divorce or separation.

Real life child abuse investigations cannot be completed in 23 minutes as seen in the investigation portion of television show "Law and Order." Conducting an accurate physical child abuse investigation is a long tedious process that often involves a great number of leads being followed-up, some of which should include the following:

Soft tissue bruise and wound injury assessment
Identifying the child abuse weapon configuration or imprint
Reconstructing what happen to the victim
Soft tissue injury comparison studies
Identifying and documenting specific evidence that can be found in physical child abuse investigations
Networking with the physician
Dealing with the issue of "criminal intent" on the part of the caretaker

Conclusion

Physically abused children often walk gingerly around the abuser fearing something will set him or her off. Because crying often brings extra blows, abused children will often learn to suppress their tears. These children often will feel responsible for the abuse, rationalizing to themselves, for example, that they "got caught being so bad" that they had to get "whupped," or that "Daddy wouldn't hit me unless he loved me." Only after extensive therapy

as adults can they remember and then fully acknowledge their helplessness, anger, and indignation over being beaten by a beloved parent or caretaker.

About the author

Robert Farley teaches several seminars for John E. Reid and Associates, including one program that focuses on the assessment, investigation and reconstruction of cases involving soft tissue injuries such as bruises, lacerations and burns. The schedule for this course, Physical and Neglect: Child Abuse Injury Reconstruction Techniques, can be found at www.reid.com

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