PART I

Before Interviewing

1
CHAPTER

Foundations of Interviewing

OBJECTIVES

Upon completion of this chapter, students should be able to

1. Apply basic communication theory to daily communications and interviewing
2. Become aware of inhibitors of effective communications and the use of feedback
3. Utilize the principles of interviewing
4. Connect basic human needs to effective interviewing

Basis of Communications

Communication is a symbolic process in which people create shared meanings (Lustig & Koester, 1999). Humans communicate through the written word, verbally and nonverbally. Words are formed as symbols to represent concrete images and abstract thoughts and beliefs.

A mother makes eye contact with her baby. Pointing at herself, the mother says "mama." At some point, the baby mimics her mother and says "mama." The mother communicates her excitement and pleasure at the baby's word; she displays positive reinforcement, so the baby repeats "mama."

The baby's young mind does not comprehend that the word *mama* symbolizes the person holding her. It will be a year or more before the baby's mind matures to the degree it can link the symbol *mama* to mean the baby's caretaker. Linking concrete images that we can observe to abstract symbols or words is an advanced level of brain development.

Even an animal as concrete as a dog is described in a variety of ways based on the varied experiences of different people. The simple word *dog* conjures up memories of personal pets, television heroes like Rin Tin Tin or Lassie, or movies such as *Beethoven* and *Marley and Me*.

The word may not always be pleasant. A person may have been bitten by a dog, knocked down by a dog, or seen a movie in which dogs were the aggressors. Almost all words, no matter how simple they seem, such as *dog*, *boy*, *juice*, *road*, and *land* invoke different images to different people.

When individuals attempt to discuss abstract thoughts such as criminal offenses, penalties, restitution, and justice, there is nothing directly to see,

EXERCISE 1.1

What Are Words?

Activity: The instructor asks different questions that reflect confusing areas.

Purpose: To facilitate discussion of words and what they represent.

1. The instructor asks different students to think about a dog and then to describe it. The students are likely to have a variety of descriptions with different sizes, colors, types of tails, ears, and length of hair. The instructor asks the students what they are basing their descriptions on, e.g., their pets or dogs in movies or television shows. It is helpful to stress the idea that none of their dogs are the right dog, but rather what their past experiences recall.
2. The instructor can come up with a number of confusing phrases to dictate to the students. Ask the students to write their responses on the board and then discuss what they meant to the students.

   Some examples: ship sails today (ship sales today)
   sons raise meat (sun's rays meet)
   let's blow this joint (leave a location or explode a site, smoke marijuana)
   ramp (exit off a highway, board connecting to areas, onion-like plant that is eaten in the Blue Ridge Mountains)

hear, touch, or taste. Humans must take a variety of experiences from parents, school, friends, and other institutions and create what they relate to abstract words. These creations, or concepts, are vastly different among humans, and only if they make a conscious effort to relate during conversations, watching movies, reading, or interviewing, will they be able to understand each other.

As we will discuss in Chapter 4, nonverbal communication can drastically change the interpretation of the words transmitted. The speaker may be presenting words that are neutral or even positive, while his or her nonverbal cues are transmitting negative thoughts. An individual with clenched fists, a red face, and bulging eyes who is snarling loudly, "Nothing you do will bother me!" is not likely to be believed. All of his or her nonverbal cues are communicating anger and outrage even while the words deny it.

What is particularly risky in the serious area of criminal justice is when people assume they understand, and that they are being understood. There are multiple reasons that mutual comprehension may not be reached, but without feedback, those involved in the discussion or the interview believe they do understand or they are understood.

How many people have been in arguments with their loved ones and said, "That is not what I meant. You don't understand at all!" If it is common

for us to misunderstand our significant others, how much easier is it to misunderstand strangers? Criminal justice professionals must remain sensitive to the need to take the time and effort to ensure they understand what is being told to them. Equally important, professionals must use feedback to ensure they are understood by the citizen, client, victim, or inmate.

The following is historically factual. It illustrates how simple, seemingly easy-to-understand words can have fatal consequences.

> In 1951, two young British boys, Derek Bentley and Chris Craig, were caught by the British police breaking into a store.
>
> Bentley managed to go into hiding. Craig, armed with a pistol, was left out in the open, face to face with Constable Sidney Miles.
>
> Miles ordered Craig to drop the gun.
>
> It has never been proven, but it was alleged that Derek yelled out, "Let him have it, Chris." Words uttered during a tense, emotional confrontation with no time for either party to get clarification.
>
> Did Chris think that "Let him have it" meant his friend, Derek, wanted him to shoot the officer? Or, did Derek want Chris to turn over the gun and surrender? These two questions have been debated ever since.
>
> Whatever the real answer, Chris fired. Constable Miles fell over dead.
>
> Derek quickly went on trial.
>
> The Crown argued he intended for Chris to fire at the officer.
>
> The defense argued that Derek intended for Chris to surrender.
>
> Despite the fact Derek was epileptic and retarded, he was convicted and executed.
>
> Chris, 16 at the time, was tried as a juvenile offender. He went to prison and was paroled after serving 10 years.
>
> On July 30, 1998, Derek was posthumously pardoned. Two deaths. Tragic results from miscommunications. Did any good come out of the trial and its aftermath? The British abolished the death sentence. ('Let Him Have It!'—The Case of Bentley and Craig, 2006)

Communication as a Process

Communication is a process, changing and evolving with distinct, but interrelated, steps. Each person is part of the process and becomes a source who formulates and expresses or encodes ideas in ways that are consistent with his or her orientation or belief system.

Through encoding, the speaker selects and arranges words according to rules of grammar applicable to the language used by the speaker. The encoding leads to the production of a message, which is a set of verbal and nonverbal symbols.

The person who is channeling the message, through sight or sound symbols, interprets or decodes in terms of his or her orientation, and then encodes his or her response. In this way, the orientation of the individual changes the meaning of the communication that is sent to him or her, but it also is possible for a message to influence the orientation of the person receiving it. Through this ongoing process, communication involves shared meaning.

McMains and Mullins (2006) add an additional element to the communication process that they label *noise*—defined as anything that interferes with the message.

Interference can be background sounds or poor transmission that includes static on the telephone lines. Noise also can be perceptual. Interpretation by the encoder and the decoder are based on the parties' orientation, or their beliefs, age, education, and experiences. Unintended meaning can be assigned by either the encoder or decoder due to differences in their orientation. Psychologists call this *filtering*. Individuals use words to convey messages based on their experiences and what those words have come to mean to them. Receivers interpret the words they hear based on their experiences and what those words have come to mean to them. At times, this leads to confusion and misunderstandings.

EXERCISE 1.2

Communication Model

Activity: Students are told to think of one person with whom they have the most trouble communicating. They are to list at least 10 traits of that individual.

Purpose: To comprehend the influence of different beliefs, experiences, and values on individuals' ability to effectively communicate.

The instructor asks the students to think of a person with whom they currently, or in the recent past, had the most problems interacting with. The instructor should not place any criteria on who they select. The students then list a minimum of 10 traits of that person on a sheet of paper. The students can think about personal characteristics such as gender, age, education, any military experience, state or country of origin, as well as more abstract traits such as belief system, professional background, or values. Students are then requested to volunteer a description of the individual (without naming the individual) including some of their listed traits. The instructor then asks the students:

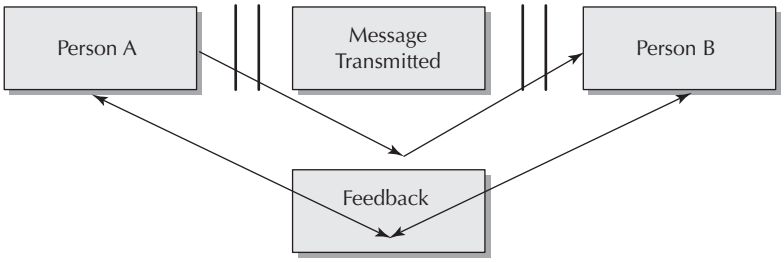
1. How do the traits of your described individual differ from yours?
2. How do you think those traits influence how that individual communicates with you?
3. How do you think those traits influence how you communicate with the individual?

For example, a 60-year-old businessman with military experience articulates his thoughts based on his interactions with people from his business and military background. If he is addressing or interviewing an 18-year-old female student, she screens his words through her youthful gender values and norms. Her world does not include either his military experience or his business background. Likewise, the military man-turned-businessman will

have difficulty relating to the young female student. They come from two different worlds.

As noted in **Figure 1.1**, much like light is refracted when mirrors are slanted, communication between two people is almost always distorted. The more different the orientations of the two people, the more likely there will be confusion and misunderstanding unless both parties are aware of their differences and work diligently to clarify the message through feedback.

Figure 1.1 The Communication Process



EXERCISE 1.3

Domino Feedback

In triads, the students will describe their dominoes configurations using different amounts of feedback.

Purpose: To help students comprehend the importance of feedback.

The instructor will divide the class into groups of three. Each group will be given two sets of the same six dominoes. Two students will sit back to back with the third student observing. The students will carry out the exercise three times with different instructions. The instructor should allow the students to rotate. Each time the A player will make the configuration, and the B player will attempt to make the exact same configuration. The C player will observe. At the end of each round, the C players will give their observations to the class.

Round 1: The A player will build a configuration with the six dominoes. It is not necessary to follow dominos rules; the configuration can be laid down flat or built up. The dominoes should touch each other in some fashion. Once the A player is finished, he or she will describe the configuration to the B player. The B player is not allowed to say anything. Once the A player has completed the description, the two players will turn around and see how closely their two configurations match.

The C player should then tell the two players what he or she observed. All the C players will then share with the class.

Some of the areas to be considered: (1) How complex was the configuration? (2) Did the A player use descriptions to help orient the B player, for example, "take the domino with the two dots and four dots

and place it flat so that the two dots are pointed toward the back wall of the classroom"? (3) Did the A player remember that the description would be the mirror image, e.g., player A's right hand is player B's left hand? (4) Was A sure that B would have the exact replica? If B could have asked questions, would they have had a more exact match?
Round 2: A builds a configurations and then states, "ready." B then begins to ask questions to make the same configuration. A is able to provide complete answers, but does not ever actually describe the configuration nor initiate new information. The only answers provided will be in response to B's questions. Once player B believes he or she has the same configuration, players A and B will turn around and view the two configurations. Again, the C player shares his or her observations including addressing the questions above.
Round 3: Once A builds a configuration, A will begin to describe the configuration. B is allowed to ask questions at any point. A also should take time to confirm verbally what B is building. Both players should attempt to provide specific information and ask clarifying questions. Only after A and B believe they have the same configuration, should they turn around and look. When C relays observations, he or she also should add what descriptions or questions seemed to be most helpful or ineffective, and what questions should have been asked that were not asked.

Rumor

Purpose: To demonstrate the ease in which messages become confused without feedback.

Most students will remember the children's game of "rumor." One person whispers a brief message in the ear of the person beside him or her. This person in turn whispers what was said to the next person. Once the message has been relayed throughout the class, the last person repeats the message out loud. The message often is drastically distorted.

Only through feedback within two-way communications can the accuracy of meaning be assured. Feedback is the process of correction through incorporation of information about the effect of one's performance (Yeschke, 1997, p. 46). Ideally, both parties listen carefully, then rephrase, or mirror, what they believe they heard, and ask questions if there is confusion. The other party confirms or rewords. It is critical that both parties understand that neither is right. Rather, they must understand that both of them are working to deliver and receive the words that can be understood accurately.

Communication is intentional and unintentional behavior. The speaker intentionally attempts to convey the meaning of a message to another person. The speaker is consciously selecting words and meanings to persuade the other person. At times, communication also is unintentional. Some argue

that communication takes place whenever meaning is attached to another person's actions (Samovar & Porter, 1991).

While communication must be dynamic, it is also irreversible and irrevocable. As all people have regrettably experienced, once said, words cannot be taken back. Humpty Dumpty could not be put back together, and toothpaste cannot be put back into the tube. While they may not "break our bones," it is not true that "words can never hurt us."

Inhibitors of Effective Communications

There are differences between hearing and listening.

When a human or any animal collects sound waves at different frequencies, which are physiologically transmitted via electrochemical signals to the brain, the animal is hearing. Listening, on the other hand, is the psychological process of ascribing meaning to those signals.

There are, as we all know, obstacles to effective listening. Differences in word meanings and differences among individuals have been previously discussed in this chapter and can create major problems. That is one reason why the following two types of speech should be avoided.

The first is *polarization*, phrasing everything as good or bad. Such a rigid, inflexible way of seeing the world will put up a wall between two or more people who cannot see middle ground or the gray between black and white.

The second type of speech to be avoided is the use of the word *all*; statements that overgeneralize are communication stoppers. Once a citizen or young person hears, "all teenagers are bums just waiting to get in trouble," effective communication shuts down (McMains & Mullins, 2006).

There are other obstacles to effective communication that should be discussed, and if possible, eliminated. The most obvious obstacles are physical and environmental. Noises from the surrounding area should be controlled by finding a quiet location to conduct an interview without noise caused by traffic, machines, cellular phones or the ringing of other telephones, television, radios, or conversations. Uncomfortable seating or room temperature also should be considered. Lighting will be discussed more in Chapter 4; however, hot, bright lights are for movies, not real life.

Other physical obstacles may be more personal. The interviewee may have a hearing impairment or language difficulties. Even if English is the interviewee's first language, limited vocabulary comprehension or capabilities hinder the interaction between the interviewee and interviewer.

Professionals need to resist the use of jargon, idioms, or words from another language that have crept into the lexicon. Jargon is only understood by others in the profession and easily adds to misunderstanding. **Figure 1.2** presents a well-known joke that reflects misunderstanding culminating from the use of jargon. A police officer who yells, "Get 'em up," may believe the message is clear. The officer who issues that command knows what it means. The offender is to put his or her hands up; however, individuals who have had

Figure 1.2 Make Sure You Are Understood

A colonel issued the following directive to his executive officer:

Tomorrow evening at approximately 2000 hours, Halley's Comet will be visible in this area, an event which occurs only once every 75 years. Have the men fallen out in the battalion area in fatigues, and I will explain this rare phenomenon to them. In the case of rain, we will not be able to see anything so assemble the men in the theater, and I will show them films of it.

Executive officer to company commander:

By order of the colonel, tomorrow at 2000 hours, Halley's Comet will appear above the battalion area. If it rains, fall the men out in fatigues, then march to the theater where the rare phenomenon will take place—something that occurs only once every 75 years.

Company commander to lieutenant:

By order of the colonel, be in fatigues at 2000 hours tomorrow evening. The phenomenal Halley's Comet will appear in the theater. In case of rain in the battalion area, the colonel will give another order—something that occurs once every 75 years.

Lieutenant to sergeant:

Tomorrow at 2000 hours, the colonel will appear in the theater with Halley's Comet—something that happens every 75 years. If it rains, the colonel will order the Comet into the battalion area.

Sergeant to squad:

When it rains tomorrow at 2000 hours, the phenomenal 75-year-old General Halley, accompanied by the colonel, will drive his Comet through the battalion area theater in fatigues.

little exposure to the legal system may interpret the phrase as moving other people, moving articles to another area, or picking up a child or another person. The officer who feels in danger may then become scared and possibly lethal.

Of course, if the individual is under the influence of alcohol or other drugs, communication becomes impractical. Safety requirements suggest that, rather than talking to inebriated individuals, it is better to confine them in a safe environment until they become sober.

In addition to language differences, cultural differences may cause confusion or build a barrier between the parties. Differences in nonverbal cues can be emotional sources for misunderstanding. As we will discuss in Chapter 8, in-depth study into the more common cultures and ethnic groups in a community can prevent many of the communication problems that arise when interviewing or interacting with people from a different culture.

For example, in the United States, a dinner guest might bring red roses as a friendly gesture. In Germany, bringing red roses to a hostess will be interpreted by the recipient that the guest has feelings toward her. Also, it is common in the United States for guests to admire objects in a home they are visiting. In Germany, if the guest admires an object, the hostess has been conditioned that it is good manners to give the object under admiration to the admirer.

Less obvious obstacles to understanding are psychological barriers, or any mental or emotional conditions. The average person thrust into situations with individuals in positions of authority may experience an increase in emotions, such as apprehension or anxiety, that could inhibit that individual's

ability to listen. The possibility that one of the parties to a conversation or interview is undergoing emotional distress also must be addressed before listening can effectively occur. Like a teeter-totter, when emotions are high, rational thinking (and listening) is low. Allowing the interviewee to ventilate, or express some of his or her emotions, helps develop more of an emotional balance so that rational thinking and consequently, listening, increase.

As will be discussed in Chapter 4, vigilant observation of the interviewee helps the interviewer discern if the interviewee is distracted or is having problems communicating. Feedback also is useful when attempting to remove barriers.

Human Needs as Motivators

Although researchers categorize human needs in a variety of ways, Abraham Maslow developed a hierarchy-of-needs model that Charles Yeschke (1997) concludes should be considered during interviews.

Maslow's hierarchy of needs lists three primary areas of human needs. First, physiological needs such as air, food, and water must be met before humans strive to meet the second level of needs—safety and security. Once safety and security are met, they then strive for the third level of love and belonging. Many people throughout the world struggle to meet these three levels and never attempt to fulfill the next two levels, which are self-esteem and self-actualization.

Physiological needs have limited importance during interviews; however, interviewees should be comfortable. They should be rested, offered something to drink, and be allowed to visit the restroom.

Safety and security are fundamental to successful criminal justice interviews. Because of the need to feel safe, interviewees seek to control their environments. Although on the surface, interviewers have power, interviewees may not necessarily submit and relinquish control unless they feel safe.

Interviewers must be aware that people want to belong and interact with others. They want to be cooperative. So, when they believe they are choosing to share information and not just submitting to the interviewer's authority, they are more likely to provide more complete and valid information.

Also, when people have done something wrong as defined by their social group, they fear being ostracized by that group. They will be reluctant to admit to an act for which they may lose membership in their primary group (their family), or an extended group. The number of sexual acts perpetrated by Catholic priests and teachers on young boys over the decades, but only recently coming to light, has horrified the public. The reluctance of the boys to come forward demonstrates the shame they felt as victims and their fear of being labeled as different. The denial by the Catholic Church of the sexual acts perpetrated by its priests amplifies the fear of loss of reputation of the individual priests and the lack of protection that the Church provided. All of these parties have denied out of fear of rejection by their social group.

Self-esteem is often translated to "saving face." Most interviewees, including witnesses and victims, are motivated to do what is necessary to defend their self-image. They are sensitive to responses from persons in the position of authority. They desire respect, understanding, and acceptance. Any response or gesture by the interviewer that might damage their sense of self will be confronted defensively.

Interviewees never have to lie or omit information. They have a choice, although it may not always be an easy one, especially if they are worried about the cost of their freedom, as well as their self-esteem. They do not want to be considered ignorant, immature, or uneducated. They react to how they are treated. If they feel accepted, or at a minimum, understood, then they are less likely to lie.

Interviewees need emotional room to maneuver. They may remember a detail they previously forgot, or they may decide to volunteer information when they feel more comfortable. The interviewer should leave the door wide open, not just ajar, so interviewees can add information without fear that they will be considered liars.

As interviewers are preparing their interviews, they need to have sufficient information about the interviewees to consider what basic needs the interviewees are seeking to have filled, or that they are defending. If the interviewee is a middle-age executive of a bank, belonging and then self-esteem are more than likely important needs for him or her to defend. The interviewer will need to carefully preserve the banker's self-esteem if an interview is to be completed without attorney interference. For others, it may be safety. A gang member who has agreed to turn on other gang members could be in physical danger—not only in fear of no longer belonging to a social group. The interviewer needs to be fully aware and prepared with this information.

Reducing Anxiety

There are a number of behaviors that individuals may exhibit if they are experiencing anxiety. Acute anxiety is more likely to be caused if the individual feels a need to deceive the interviewer. The individual seeks means to decrease anxiety. The more directly the individual must lie, the more anxiety he or she feels (Jayne, 1986). Therefore, the interviewee will use strategies to minimize direct lies in order to feel less anxious.

Omission is a common strategy used to minimize direct lies. Omissions, such as shaking or nodding the head, responding with silence, or responding with incomplete facts, are useful tools to minimize anxiety. Most young people can remember a time when they came home after curfew. When asked where they had been, they would detail their brief visit to the library but omit the extended visit to a friend's house. An individual who is in potential trouble with the criminal justice system because of an offense that occurred on a specific day, may describe everything he or she did that day except for the offense in hopes of diverting the interviewer's attention away from the offense.

Evasions, such as feigning disbelief or answering a question with a question, often cause slightly more anxiety. The interviewee is providing a distraction, but no real answer. For example, a cashier is asked if she took money from her cash register. Rather than answering directly, she displays shock and asks, "You think I stole money?" or "Why would I steal from the store?"

Another form of evasion is a qualified answer. A probation officer asks a client if he or she used drugs since the last appointment. A qualified answer would be, "I haven't touched crack since I started probation." This evasive answer might be interpreted that he or she has used no drugs, has used a different drug than crack, or smoked it without touching it.

Inbau, Reid, Buckely, and Jayne (2004) describe other evasive types of responses. These responses include poor memory such as, "as far as I know" or "to the best of my knowledge," or qualifiers such as, "not really" and "mostly." The phrase made famous by Jerry Seinfeld, "yada, yada, yada," or the newest in vogue evasive response, "whatever," are also examples.

The interviewee may attempt to reduce anxiety mentally through defense mechanisms in which reality is redefined to reduce anxiety, guilt, or loss of self-esteem. Rationalizations and projections are the two major defense mechanisms.

Rationalization invents justifications for actions. These explanations are attempts to avoid responsibility or intent for behavior. Interviewees will protect themselves with rationalizations if they have images of themselves that are not supported by fact (Yeschke, 1997). Sykes and Matza extensively describe rationalization with their "techniques of neutralization" (as cited in Vito, Maahs & Holmes, 2007). They categorize rationalization, or criminal-thinking errors, into denial of responsibility, denial of injury to the victim, denial of an actual victim, condemnation of those who dare condemn, and appeals to a higher loyalty such as family or gang. These different categories all provide interviewees means to justify their behavior. If the interviewee cheated on his or her income taxes, the categories of denial of injury to the victim, denial of an actual victim, and condemnation of those who dare condemn are all plausible. After all, who is he or she cheating, and if it is the U.S. government, who has been hurt? The U.S. government is not helping the interviewee get a job or make his or her life any easier.

In another example, an accountant may have *borrowed* money rather than embezzled. The accused accountant intended to return the money, but rationalizes that the *loan* was discovered before he had a chance. A pedophile rationalizes that he is simply giving attention to a neglected child—a deprived child who has never received any gestures of love from parents. To the pedophile's way of thinking, he is giving the love that child needs.

Projections, on the other hand, shift the blame for actions or behaviors onto another person. A domestic-violence batterer may project blame for his or her assault onto the victim. If the victim would quit nagging or fix dinner on time, the batterer would not be forced to hit or slap her; she had it coming. An offender of white-collar crime may blame his or her employer for

refusing to pay overtime. As an employee, he or she is just getting what is due from all of the hard work.

Rationalization and projection are common. As noted by the self-serving attribution theory, characteristically people give credit to themselves for their successes and blame others or the situation for their failures. Such actions allow them to feel better about themselves and to attempt to make themselves look better (Wetzel, 1982).

Principles of Interviewing

The complexities of human nature and communication can be simplified with basic principles of interviewing that can also be used as life lessons for belonging to a society consisting of other humans (Samantrai, 1996; Yeschke, 1997).

Individualization

Generalizations about people of certain ages, ethnicity, or socioeconomic groups have no place in interviewing. Every person has unique qualities and should be interviewed without bias, prejudice, or judgment by the interviewer. Empathy, the willingness to understand the individual and his or her feelings, is an important component of active listening and is a skill fully developed in Chapter 5.

Curiosity

Every individual and situation must be perceived as interesting. Interviewers are fact gatherers, not judges. Interviewers should meet interviewees with an open mind and be prepared to fully gather information without preconceived ideas.

Self-awareness of their own inhibitors of effective communication will facilitate the interviewers in analyzing each answer for completeness and relevancy to the objectives of the interview. Interviewers must be aware of words that set off emotional triggers causing expressions of surprise or disgust to be expressed on their faces. Developing means to detach emotionally from these triggers comes with self-awareness and interviewing experience.

Flexibility

Effective interviewers should prepare to interview by extensively collecting background information about the interviewee and the related incident, identifying the purpose of the interview, and developing questions before conducting the interview.

This preparation permits the interviewer to be attentive during the interview and allow for flexibility if the purpose of the interview is not fulfilled, or if an answer opens a tangential line of questioning that might be beneficial to follow. Based on the individuality of people mentioned earlier, it is important for the interviewer to respond individually. Learning to improvise probes during the interview, as discussed and practiced in Chapter 5, is a critical skill.

Self-Fulfilling Prophecy

Interviewers need to remember that expectations we have of others and how we behave toward others influences their responses. If the interviewer enters the interview believing the individual is a liar and of little use to society, these beliefs will be reflected in the interviewer's tone, expressions, and nonverbal communication. In turn, the interviewee will read the negative thoughts of the interviewer and respond negatively.

On the other hand, if the interviewer behaves positively, then the interviewee is more likely to respond positively. If the interviewer believes the interview will uncover important information and the interviewee will be cooperative, then more than likely the interview and interviewee will fulfill that positive prophecy. The interviewer's tone, expressions, and nonverbal cues will communicate the positive beliefs.

Self-Confidence

Interviewers also need to develop a positive set of expectations for themselves. With training and practice, they know they can become effective interviewers. Self-confidence is important and will exude through every pore. Self-confidence is not to be confused with arrogance or false pride; it is based on hard work and training. Self-confidence keeps interviewers centered and able to remain objective. Interviewers lacking self-confidence are more likely to become defensive and to bully interviewees.

The interviewers should visualize the interviewer they would like to be.

EXERCISE 1.4

Galatea Effect

Activity: The instructor takes the students through a visualization exercise.

Purpose: To help the students build self-confidence in their ability to conduct interviews.

Preferably at the end of a class session, the instructor tells the students that she or he will take them through a visualization exercise they can use at home. The students are instructed to get as relaxed as they can in their seats. They should close their eyes and place both feet squarely on the floor and their hands in their laps or on the desk. The following script can be read slowly and calmly or even taped.

"I want you to breath in slowly, holding your breath—1, 2, 3, 4 and then letting it out slowly—1, 2, 3, 4. Again, slowly breathing in—1, 2, 3, 4—and out—1,2,3,4. Look inward and see yourself rising from a restful sleep, relaxed and ready to start the day. You see yourself going about your normal morning routines. You dress in your most comfortable, but professional, attire. When you look in the mirror, you see a well-groomed, confident you looking back. You smile at yourself. You know that you are prepared and ready to conduct the interview you have

planned today. You are prepared, know the background information, and have developed probing questions. You see yourself arriving at the location where you are going to conduct the interview. The room has been carefully set up. You are prepared. You are ready. As the individual you are interviewing enters the room, you approach him or her with confidence and casually look in his or her eyes. You know you will get the information you seek. The interview will have a positive outcome.

Now, I want you to take a deep breath, breathing in—1, 2, 3, 4—and out—1, 2, 3, 4. Now, slowly open your eyes."

Expression of Feelings

The need for expressing feelings and sharing experiences with others is very powerful and works to the interviewer's advantage. This need is especially felt when a person is in some kind of trouble or difficulty, which intensifies the need for sharing the burden with another person. As noted earlier, if the interviewee's emotional level is high, then his or her rational thinking is low. Helping the interviewee express feelings moves the interview forward in a constructive direction.

Self-Determination

People have the right and the ability to make their own decisions and choices, although the ability may be at different levels of competency. A criminal justice professional working with a client is fostering a relationship that will stimulate the client's inner strengths. The goal is for the client to become an independent and productive citizen.

Confidentiality

The right to privacy is not absolute. Legally and ethically, the interviewee needs to know what information can remain confidential and what information will need to be shared and with whom. When possible, he or she needs to feel safe to talk freely about problems and to know the interviewer will not misuse the information.

Conclusion

Chapter 1 provides readers with the foundations of communication. Understanding the complexities of communication helps interviewers appreciate the importance of feedback and the significance of two-way communication and understanding. There are a variety of barriers to effective communication, and every attempt must be made to eliminate those barriers if there is to be a successful interview. Likewise, comprehending the responses to anxiety also facilitates the interviewer's interaction with interviewees who choose to use such techniques as rationalization, projection, or omission.

Effective interviewing skills are based on basic communication skills and understanding human needs. Interviewers who see themselves as fact seekers

and believe in the worth and dignity of those they interview will discover they are able to obtain valid information and to remain human themselves.

ALLEN'S WORLD

Note: Throughout this book, names have been changed, but the situations are real.

I first met Mike in the Mecklenburg County jail.

The room is about 6 feet by 10 feet. The walls are concrete block, painted beige. Mike sits on one side of a bullet-proof glass. He is wearing an orange jumpsuit. I am on the other side of the glass. We talk through a small opening in the glass.

I tell Mike who I am. I point out that at the moment, and for the foreseeable future, I am the most important person in his life—not his attorney or the prosecutor—me. I am his fact finder.

Mike wants to talk about his family.

I do not.

Mike wants to chit chat.

I do not.

I tell Mike the importance of this initial interview.

Many of the techniques Dr. Lord describes are not relevant when I am interviewing a defendant. I do not particularly care if Mike likes or respects me. I am gruff. Some might say harsh.

"Mike," I say to him at the outset, "if you ever lie to me, you'll never see me again."

That's how I get his attention. And it works.

I tell Mike that I am working for, and employed by, his attorney. There are two reasons for this. One, I want to make sure I get paid. If Mike is convicted and goes off to prison, he has no incentive to pay me. The other is for legal purposes. As long as I am working for an attorney, what Mike tells me and what I uncover during my investigation is privileged information. Mike must know that even if he confesses, his conversations with me are confidential.

I rarely ask a client, someone like Mike, if he or she committed the crime he or she is charged with. I do not care. We do not have to prove Mike did not do something. The state must prove, beyond a reasonable doubt, that Mike committed the murder. There is a chasm of difference.

Extensive preparation is the key at this juncture. I have reviewed the file compiled by his attorney, which includes Mike's original interview with the attorney. I have read the indictment. I have almost memorized the discovery provided by the prosecution.

Among other charges, Mike is facing a murder charge.

When his story seems thin, I challenge him. I tell him it does not comport with what is in his file—or the indictment. Mike backtracks, a lot. But, in the end, I get what I need out of this initial interview to help his attorney prepare a defense. (Ultimately, Mike walked on the murder

charge but did serve time in prison for unrelated drug charges. He was released in late 2008.)

Just as interviewees rationalize, so do I. It is a way of making myself feel better, and it allows me to effectively do my job. I rationalize a lot to help my clients. I tell myself that once someone injures my client, there should be no restriction on me in defense of my client.

For example, an individual's right to privacy is less important to me than my client's defense. I can get cell phone records. From them, most of the time I can find out what towers relayed the calls and where the person was when those calls were made. It is an easy way to confirm an alibi or to impeach a witness.

I can get financial information. What better way to find out if a suspected embezzler made an unexpected, large deposit shortly after the money was embezzled?

I follow people. I might want to find out if they are filing a fraudulent workmen's compensation claim, or cheating on a spouse.

I do whatever my conscience will allow in defense of my client. Am I rationalizing immoral behavior? As I tell students when I lecture, it is my job.