



**Criminal Investigation**

CJA-241

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**Development of Investigative Information**

- We will be reviewing the required reading of chapter 8, starting on page # 151.
- The student will be aware of:
  - Definition of Interrogation
  - Adversarial nature of interrogation
  - Miranda vs Arizona protections
  - Requirements of Miranda
  - Importance of preparation of investigators
  - Ethical considerations of interrogations

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**Homework**

- Read chapter 9, starting on page # 165.
- The student will be aware of:
  - Process of arrest
  - Necessary info included in crime bulletin for stop
  - Activities in a background investigation or a crime
  - Reasonable suspicion vs. probable cause
  - Preparation of a case packet

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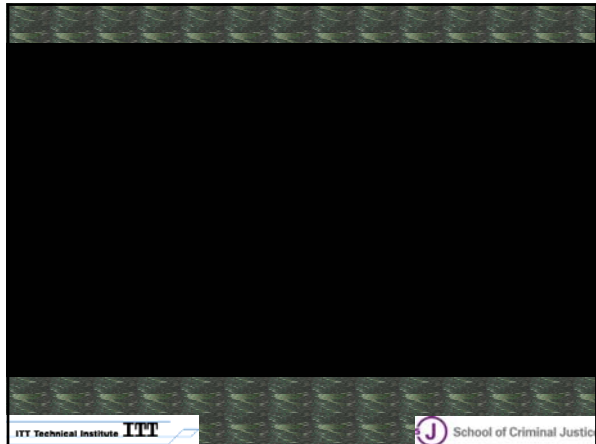
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### Interrogation of Suspects

- Interrogation – The adversarial questioning (of a suspect) with the goal of soliciting an admission of guilt
  - Highly structured (unlike interview)
  - Requires questioner to have intimate knowledge of crime prior to questioning
  - Rapport building time will provide clues as to how to approach suspect



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### Interrogation of Suspects

- Brown vs. Mississippi
  - Suspected of committing murder
  - Arrested and transported to sheriff’s station
  - Stripped to the waist
  - Bent over a desk
  - Beat with belts until confessed to crime
  - Convicted and sentenced to death
  - Supreme Court determined confessions must be made voluntarily.



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## Interrogation of Suspects

- Ward vs. Texas
  - Suspected of committing murder
  - Picked-up and transported out of the county
  - Transported from county to county over 100's of miles
  - Over a 3 day period
  - Not permitted outside contact of any kind
  - Confessed, Convicted and sentenced to death
  - Supreme Court determined holding a person incommunicado is inherently coercive.

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## Interrogation of Suspects

- Fikes vs. Alabama
  - Held in solitary confinement for 10 days, until confessed
- Ashcroft vs. Tennessee
  - Questioned non-stop for 36 hours, until confessed
- Supreme Court determined both were coercive and therefore involuntary.

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## Interrogation of Suspects

- Haley vs. Ohio
  - Questioned 15 year old from midnight until 5:00 am, until he confessed – Coercive.
- Davis vs. North Carolina
  - Suspected of several burglaries and homicide
  - Questioned once or twice a day for 16 days, until he confessed
  - Never told he was a homicide suspect
  - Below normal intelligence level – Coercive.

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### Interrogation of Suspects

- Mincey vs. Arizona
  - Involved in shoot-out with police
  - Seriously wounded
  - Admitted to ICU at hospital
  - Questioned for four hours, until confessed
  - Supreme Court determined that the defendant was weakened by pain and shock and confession was therefore not voluntary

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### Interrogation of Suspects

- Townsend vs. Sain
  - Heroin addict undergoing withdrawal symptoms
  - Doctor was summoned and administered medicine to alleviate discomfort
  - Unknown to the detectives, the medication acted as a truth serum and resulted in a confession.
  - Court determined confession not voluntary

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## Interrogation of Suspects

- Escobedo vs. Illinois
  - Questioned over fatal shooting of brother in law
  - Refused to make any statement, was released
  - Crime partner confessed and stated that Escobedo fired fatal shots
  - Picked-up again, during transport to station, requested presence of atty.

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## Interrogation of Suspects

- His request was denied
- After arrival at police station, the atty requested time with his client, refused
- After 4 hours of questioning Escobedo confessed and was convicted.
- Supreme Court determined that the 6<sup>th</sup> Amend states that if the investigation has centered on a particular suspect, and they are in custody, they have to be advised of right to remain silent.

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## Interrogation of Suspects

- Miranda vs. Arizona
  - If a person's freedom of movement is lost
  - And they are interrogated with questions designed to elicit an incriminating response
  - The police must advise of the 4 points below:
    - Right to remain silent
    - Anything said will be used in court
    - Right to talk with atty and have them present
    - Atty will be appointed free if necessary

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### Interrogation of Suspects

- If a person indicates in any fashion that they do not want to talk with police, the interrogation **MUST** stop.
- If a person indicates in any fashion that they want an atty, the interrogation **MUST** stop until they consult an atty.
- Prosecution has “heavy burden” to prove that a waiver was freely given.

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### Interrogation of Suspects

- Miranda warnings are required by law only if a two pronged test is passed.
  - The person being questioned is in custody.
  - They are interrogated with questions designed to elicit an incriminating response. In other words, the suspect is the primary focus of the investigation.
  - Background type questions permit a rapport building without violating Miranda

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## Interrogation of Suspects

- For most questioned asked by the investigator, they should already know the correct answer prior to asking the question
- During rapport, determine what type of offender the suspect is by analyzing the following criteria:
  - Personal characteristics
  - Type of offense
  - Probable motivation for crime
  - Initial response to questioning

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## Interrogation of Suspects

- An “emotional offender” experiences considerable remorse and mental anguish over having committed crime.
  - First time offenders
    - Homicides
    - Rapes
    - Physical assaults
  - Sympathetic approach expressing understanding and compassion

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## Interrogation of Suspects

- A “non-emotional offender” does not experience a troubled conscience.
  - Use factual analysis approach
  - Appeal to suspect’s common sense and reasoning
  - Persuade them that their guilt is established
  - Therefore they should tell the truth to lessen sentencing

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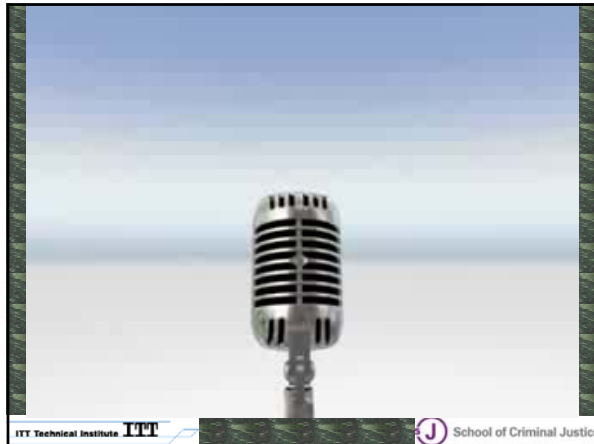
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### Interrogation of Suspects

- How do you get a suspect to confess?
  - Convince them that the issue is not the crime, but what motivated them to commit the crime
  - Most suspects commit crimes because they believe that to be the best solution to their needs at the moment
  - Therefore, most will rationalize their actions and provide motivating factors.
  - Most suspects are looking for the proper opportunity to confess

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### Interrogation of Suspects

- The suspect must be comfortable with the interrogator, and the surroundings
- The interrogator must work to gain this confidence
- If more than one person is involved in the crime, ... the problem is that more than one person is involved in the crime.
- One will talk, eventually

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### Interrogation of Suspects

- Telling a suspect that their crime partner talked already can be a fatal mistake.
- However, not saying anything and letting the suspect worry about IF their partner talked can provide great rewards.
- Most offenders will worry that their partner either already talked, or is about to.
- Therefore, they should be first and spill everything.

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### Interrogation of Suspects

- Using video recordings of a confession captures exactly what occurred, however, a clock must be visible in the frame at all times.
- This helps guard against the accusation of an altered recording.
- However, the jury does not want to have to watch hours of video

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### Interrogation of Suspects

- Using a tape recorder may put the suspect on the defensive and overcome the rapport building
- To guard against claims of editing, the time and date must be stated at the beginning and end.
- A written confession is the best method available. However, it does not capture body language or inflection.

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