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As investigators, we rely on witness information to move our investigations forward.

However, often the witnesses are reluctant to talk.

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There can be a variety of reasons to cause a witness to be uncooperative

- Afraid to get involved
- Don't want to be involved
- They are involved in criminal activity themselves
- Afraid to inform on friends / associates / gangs
- Afraid of retaliation

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There are generally three categories of witnesses

Those that understand the need and are willing to cooperate -Honest and cooperative Those that are reluctant but can be turned around -Silent, know-nothing, or disinterested -Reluctant or suspicious Those that refuse to cooperate under any circumstances -Hostile and deceitful

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Finding out the reason why the witness is reluctant is the first step to managing the situation.

Knowing the reason can point you in the right direction as to possible ways their concerns can be addressed or resolved.

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• Remember Control

- Make an effort to identify with the witness
- Attempt to establish a personal connection
- Try to find common ground
- Start off positive

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- Avoid the "good cop, bad cop" approach
- Demonstrate active listening
- Preparation is everything

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When to Conduct the Interview

My best interviews have been early in the morning when I wake the subject up at their house and transport them to the station

It is best to interview the subject when their body clock is slow and you are fresh

POLICE FOUNDATION Advancing Policing Through Innovation and Science Proper preparation is no guarantee for success Lack of preparation is a recipe for failure

Where to Conduct the Interview

• Do it where you have the most Control

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First Impressions

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- The first impression the witness has of you is lasting and hard to change
- Be careful not to enhance the fear they may have of the police. Calm their anxiety
- Are you the pleasant detective they "want" to talk to, or do they want to "get away from you?"

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	Cooperation
	must work hard to gain cooperation What are you willing to do to gain it ?

POLICE FOUNDATION Advancing Policing Through Innovation and Science Be the Best Salesman You are selling yourself, your department, and our justice system Often, the witness wants no part of what we have to offer

Get the Subject's Attention
e both verbal and nonverbal
ve in on the subject ld up the stress ich their shoulder or arm nvey how important it is for them to do right thing

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Create Empathy / Accept Hospitality

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- Explain the purpose of the interview and what you hope the outcome is, "complete honesty"
- Personalize the event (it could have happened to you)
- Do not cut off or interrupt witnesses during the interview

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Think of Your Approach

- Use a ruse to make contact with people you think may be reluctant
- How would you react if you had several days to prepare for an interview with Internal Affairs or the IRS ?
- Have a family member or friend of the witness at the station for post-interview conversation

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Before Taking a Statement

- Key is to remember that eye-witness testimony is not infallible
- Do not always accept the first story as the truth
 - Is the witness holding back or lying?
- Be prepared to overcome denials or refusal to give information

 Interviews You must have confidence in your interview abilities If not, have a more seasoned detective conduct the interview. You must be positive of the outcome of the interview Never go into an interview thinking the person wort cooperate 	LICE FOUNDATION	Advancing Policing Through Innovation and Science
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o	li c • You n	f not, have a more seasoned detective conduct the interview. nust be positive of the outcome of the
		person wont cooperate
You must be prepared for the interviewEvery word you use can be critical to the outcome		

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Confrontational Interviews

- The most effective interview will occur at a police facility.
- If the interview transitions into a confrontation it is almost impossible to apply pressure at someone's home or workplace.

Behavioral Symptoms Common to Truthful Witnesses • Nervous but composed over time • Able to express themselves

Interviews

Don't start off with personal identification questions or

writing things down. Start with small talk, gain

rapport, then transition into the reason for talking. Obtain the information the individual has to offer, then

get to their personal information. If it appears they

have critical information any they are holding back

information, the interview should moved to a police

- Tell a rational story
- Concerned

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facility if possible.

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Cooperative and helpful

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Behavioral Symptoms Common to Untruthful Witnesses

- Anxious, out of sorts
- Unconcerned, nonchalant
- · Evasive in answers and eye contact
- Defensive

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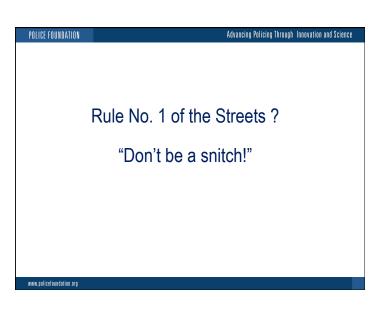
POLICE FOUNDATION POLICE FOUNDATION Advancing Policing Through Innovation and Science Characteristics of a Successful Interviewer/ Idle Talk Likeable attitude and demeanor Rumors, innuendo, and gossip may have no Shows compassion and empathy place in the courtroom, but they are certainly Diligent, with a never give up attitude ٠ welcome information for the detective Good-Better-Best approach navigating an investigation. Able to gain the trust of the witness • Repeated interviews with those who are holding ٠ Can you locate the neighborhood busybody? back.

POLICE FOUNDATION Advancing Policing Through Innovation and Science Street-Level Crimes Involving Gangs, Narcotics, and Disputes

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- This is where a detective's interview and personal skills are tested
- · Detectives clearly need to understand and address issues of retaliation and intimidation
- Lack of cooperation from the general public
- · Some may feel the victim deserved it



Interrogator

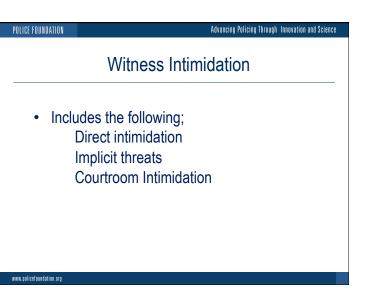
How many times will you try again?

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POLICE FOUNDATION Advancing Policing Through Innovation and Science Witness Intimidation Occurs mostly in gang and narcotic related cases The greater the penalty for the crime, the greater the desire to prevent the witness from testifying Defendants and their friends often intimidate in hopes of getting witnesses to withhold or change testimony Pressure on witnesses can increase as court day approaches

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	Witness Intimidation
The The ter	nesses may be particularly vulnerable if; ey live near a defendant ey live within the defendant's gang ritory eir address is know to the defendant
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Vigorous Witness-Intimidation Prosecution

- Vigorous, immediate prosecutions of witness intimidators are critical
- We must send a message that witness intimidation actions are not tolerated

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Example Case

You have a murder that occurs at a backyard party. There were 25 other people present (18-25 years old) all of which fled prior to the police arriving.

What are the concerns for detectives ? What is your approach to the witnesses ?

Edwin Johnson Gang Related Murder Case

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During trial, a friend of the defendant (both were members of the same gang), entered the court room wearing the below t-shirt. He sat in the front row, directly in front of a witness testifying on the stand. He never made a sound or gesture. His prison exposure was 12 years. He took a 7 year prison deal to avoid trial.



	Example Case
•	What are the concerns for detectives ? The witnesses are potentially friends with the suspect, the victim, or both.
•	Are they afraid to inform on a friend ?
•	Did the victim "deserve it" ?
•	Did the witness aid or abet, even slightly ?

