

INTERVIEWING SEX OFFENDERS

Submitted by the Child Witness Institute

KEY CONCEPTS	
Interviewing Techniques	Sex offenders
Sex Offender typologies	Howell interviewing strategy
Interviewing sex offenders with personality disorders	

Introduction

Once the suspect has been apprehended, an interview is conducted. Very often this interview can make or break a case, depending on the interviewing skills of the investigating officer. According to Howell (2014), interviewing a sex offender is a true art form and is very different from interviewing suspects in other types of crimes.

Since it is difficult to question a normal individual in society about their sexual activities, and due to the fact that sex offenders in particular have an obvious reason to lie and provide misleading information, it would seem that the interviewing of sex offenders should only be done by professionally trained and experienced personnel. The reality though is that sex offenders are routinely interviewed by police and officials who do not have the requisite knowledge and skills to obtain information from them.

When conducting an interview with a sex offender, it is essential that investigating officers have sufficient knowledge about sex offender typologies to be able to understand their subject and plan the interview accordingly. For instance, since the vast majority of sexual assault cases are concerned with the issue of consent, it is often a good tactic to downplay the seriousness of the situation in the interview. By implying that the case does not sound like “real rape” and that the interviewer shares the same views on women and sex as the offender, the investigating officer may be able to elicit incriminating statements from the accused (The National Center for Women and Policing: 2001).

Who should conduct the interview with the sex offender

As mentioned above, investigating officers who interview sex offenders must have sufficient training and expertise, as well as particular personality traits that make them more able to communicate with these types of offenders. Ellis (1954: 41) has identified the following requirements:

- They must have adequate training, including some experience in one of the psychological disciplines.
- They should be individuals who have a reasonably active sex life and who have no serious sex problems.

- They should have a liberal attitude to sex and not be judgmental about acts like exhibitionism, homosexuality and pornography.
- They should have a good understanding of sex and sexual development.
- They should be stable and not aggressive, and be able to gain and maintain rapport with sex offenders.
- They should be able to talk about sex in a very down-to-earth way without being embarrassed or inhibited.
- They must have a well developed sense of intuition and be able to sense when their questions have made an impact and which questions should be followed up or dropped.
- They must be able to deal with traumatic material and emotionally-laden interviews.

“The main art of questioning sex offenders, in other words, is the art of having the kind of professional training, sex experience and attitudes, and personality characteristics which, almost automatically, make it a natural, easy, and unembarassing task for the questioner to face his informant, to win his confidence, to show him that he has non-judgmental attitudes toward his desires and acts, and to handle any difficult situations that may arise in the course of the interview. Without this kind of background, all possible "technique" is not going to make one an effective interrogator; with this background, whatever one's "technique," it is not easy to go too far wrong.” (Ellis 1954: 42).

Preparing for the suspect interview

The following techniques have been adapted from the National Training Manual for Law Enforcement, entitled *Successfully Investigating Acquaintance Sexual Assault*, compiled by the National Center for Women and Policing. It is important to remember that no two suspects are identical and these techniques focus on how to strategize the interview generally. Investigating officers must be aware of the limitations and risks associated with interviewing sex offenders, and use the information to conduct a flexible and creative investigation.

Traditionally police have been trained to interview witnesses and interrogate suspects, although interrogations should generally also begin as interviews. The purpose of both the interview and the interrogation is to obtain as much information as possible, and the following general recommendations apply:

- Investigating officers should not interrupt the suspect and allow them to offer as much information as possible.
- It is not a good idea to confront the suspect with inconsistencies in their statement or any admissions until their statement has been completed.
- Confessions are rare, but a good interview can produce a number of admissions. Admissions are very important since they are useful evidence in court and they also boost the credibility of the witness.

Identify the type of rape

Clinicians and researchers have developed the terms “blitz rape” and “confidence rape” to describe sexual assaults committed by strangers and non-strangers. It is important for an investigator to identify the type of rape as this will have an impact on the interview strategy to be adopted. A “blitz” rape is a sudden surprise attack by an unknown assailant whereas a

“confidence rape” involves some non-violent interaction (some form of a relationship) between the rapist and the victim before the attacker commits the sexual assault. Being able to identify the type of rape will enable investigating officers to conduct an appropriate investigation and suspect interview. For instance, in a blitz rape the suspect is more likely to deny any contact with the victim while in a confidence rape he is more likely to claim that the victim consented.

Time and location of interview

Timing of an interview with a suspect is an important consideration. It is generally recommended that a suspect be confronted as soon as possible, even before they have heard about the investigation. In this way the suspect will not have enough time to construct a whole defence and work out alibis. They will also then have to explain why at a later stage they change their version at all.

The location of the interview will also have an impact on the interview. For instance, if the suspect likes to be in control or have the power, removing them from their home or place of employment might reduce their feelings of control. On the other hand, if the suspect is someone with very little personal power, taking them to the police station may make them feel so threatened that they instinctively start protecting themselves by not talking. In either scenario, the interview must be conducted in a place that is quiet and free from distractions or interruptions.

Background information

Background information about the accused is necessary to make informed decisions about how to interview the suspect. The following information would be useful:

- Criminal history – convictions, withdrawals
- Information from other detectives who have previously arrested the accused
- Any information from family members, friends, neighbours
- Information about the relationship between the victim and the accused – do they know each other, are they neighbours, colleagues, friends
- Personality characteristics of the accused that could be used in the interview

Where there are a number of accused, they should all be interviewed separately. Investigating officers should identify who are dominant as opposed to passive as this will also provide useful information for conducting the interview.

Specific interviewing techniques

The following are a few techniques that can be employed when interviewing sex offenders:

- Gaining rapport with the accused is very important. This has to be done by adopting an attitude that conveys the perception that the interviewer understands the accused, wants to help them, would rather see them treated than in prison and is generally sympathetic.
- The way questions are phrased will also have a huge impact on how much information is accessed. For instance, the interviewer should phrase questions in a way that the accused has taken part in certain activities. So a question would be phrased “when did

you first do this?” as opposed to “did you ever do this?” Your tone should imply that the accused’s behaviour is normal, that it’s virtually what every normal person does. But this does not mean that the accused should be encouraged to boast.

- The order in which questions are posed is also very important. It is best to start off with innocent questions rather than direct questions about the accused’s sex life. Seemingly innocent questions about schooling and relationships with parents and friends will be a good way to start, although they will provide very useful information as well and could lead into questions about sex later. Introductory questions will also put the accused at ease and reduce nervousness.

Howell’s interviewing strategy

In terms of interviewing strategies, Howell (2014) separates sex offenders into 2 categories: those whose crime has been generated from fantasy and those who have not fantasised. Generally, sex crimes are the result of the offender’s need to feel good. It is the controlling of the victim that makes the offender feel good. For this reason, Howell (2014) suggests that investigating officers should use what he refers to as a “soft interview.” When interviewing non-sex offenders, the interviewer will often use his position of authority and confidence together with hard evidence to confront the accused. This style does not work well with most sex offenders.

Howell argues that his experience in interviewing sex offenders, made him realise that there was a pattern to their thinking and behaviour. They each had a rationale for what they had done. He subsequently coined the phrases anti-logic and five trademarks as a way to explain how the offender thinks when he commits the crime, and how to use this behaviour against him in an interview. He explains it, using the following metaphor: one has to think of sex crimes as occurring in some kind of sphere or ball. Outside the ball is the world of logic, where most of us live. Inside the ball is what he refers to as anti-logic. This is the world in which the sex offender operates when he is acting out his fantasy by committing a crime of sexual violence. The job of the interviewer is to get the offender back into that sphere or ball, to get them to think like an offender with all the rationales and fantasies that justify their behaviour. Once they are in this sphere, the 5 trademarks of the suspect interview come into play.

The five trademarks refer to communication strategies or steps the sex offender will employ during the interview, which are to:

- Diminish the severity of the offence;
- Blame the victim to some degree;
- Attempt to control the interview;
- Never give all of the information about the offence;
- Never talk about crimes that the investigator does not already know about.

The interviewer should get the accused to use all 5 of these strategies, and lead them to do so. The accused will mix up these 5 trademarks as they talk, but the interviewer must listen to what the accused is saying and identify all 5. The first two are usually the easiest to obtain, but the interviewer should listen closely and keep the suspect talking.

Howell (2014) proposes the use of the “soft interview” by which he means a gentler, more subtle approach. For instance, he gives the following example: Rather than lean forward aggressively and scream “I know you forced your penis into her mouth before you raped her!” the interviewer can be more subtle and say “I’m a little confused here, can you tell me what happened with this girl?” This gives the accused an opportunity to explain what happened as they see it. Always keep in mind that for the offender there is a very fine line between force and consent. Their fantasies cause them to believe that the rape is a consensual act that doesn’t hurt anyone.

- Trademark 1: Diminish severity

The first trademark is to diminish the severity of the act. Where multiple acts of sexual violence have been perpetrated against the victim, the accused may only admit that they had sex with the victim once. If that is all they are prepared to admit to, the interviewer should leave it for that moment as they can always go back later. In the beginning it is best to let the offender diminish the severity of the offence by admitting to one act instead of multiple acts.

This also applies to ongoing sexual abuse of children. The child may have been abused countless times over a period of time, but the accused may only admit that it happened a few times. Howell (2014) gives another example to illustrate this. In an ongoing intra-familial abuse scenario, the accused may say “It wasn’t like I was actually molesting her. I mean we never had intercourse, it was just touching.” When the victim has described the molestation as years of fondling and masturbation, the interviewer can set the stage for asking a question like, “You didn’t have sex with her, right? I mean it was only fondling.” As soon as the accused agrees, the interviewer has helped them diminish the severity of the crime and pushed the accused deeper into anti-logic. This encourages them to continue talking so they can explain why the molestation wasn’t such a big deal to them.

- Trademark 2: Blame the Victim

The second trademark involves the accused blaming the victim so the interviewer should let them do so. As far as the accused is concerned, the victim is consenting if they do not fight to the death or have had too much to drink or leave her window open or don’t grab an opportunity to escape.

“To illustrate, I investigated a case of kidnapping and rape several years ago where the suspect kidnapped the girl off the street at gun point and drove with her for ten miles, stopping at every traffic light and never going over the speed limit, before raping her several times, and then driving her home. During my interview I asked, “Could she have jumped out of the car at any time? And if she had, I bet you would have let her go, right?” As soon as the offender said “yes” he had admitted to the kidnapping and was pushed deeper into the sphere of anti-logic. This offender ultimately confessed to about 80% of the crimes.” (Howell 2014)

There are a myriad of excuses that the accused uses:

- o “I was just teaching her about sex.”
- o “She’s the one who started it because she kept coming into the bathroom when I was naked.”
- o “I never would have let it go too far.”

The interviewer should look out for these excuses and lead the accused into them.

- Trademark 3: Attempt to Control

According to the available research, sex offenders are master manipulators, and have a need for power and control. This trademark will usually follow after the first two. As the accused feels their power slipping away in the interview, they will want to regain control. Lying, diverting the conversation in another direction and trying to interview the interviewer will be some of the first techniques they employ. The interviewer should allow the accused to do this as it feeds their need for power and control, and this will keep them talking. The role of the interviewer is to manage this and guide them back to the subject.

- Trademark 4: Never tell All

The need for power and control gives rise to this trademark, which is never to tell everything. To the typical sex offender knowledge is power and they are often addicted to the feeling of control it gives them. To prove they have this power, they will only give the interviewer a bit of the information they are looking for. The offender has the information and the investigator wants it so the offender will hand out little bits to prove that they have the information, which makes them feel like they have power and control over the offender. So, if they tell everything, they will no longer have the power, which means they cannot divulge everything. With this in mind, the investigator should not aim at 100% but rather at 40%. If the investigating officer demands too much from the offender, they will simply stop talking, which is how they will attempt to regain control of the interview. The investigating officer should let the offender feel that they are winning this game, because this will keep them talking. And the more they talk, the more information they will need to give out to prove their control.

- Fifth Trademark: Never Confess to an Unknown Crime

The offender will not confess to a crime that the investigating officer does not know about. The reasoning behind this is similar to trademark 4 above. Typically a sex offender will not respond to questions about whether they want to confess anything else. This is additional power that the sex offender has and they will not easily relinquish it. The “keeping of a secret” is common in child abuse cases that take place over a period. If, for example, an offender is caught molesting one child in a family, they will not likely confess to abuse committed against other children.

Personality disorders and their implications for interviewing

These techniques are general in nature, and offenders may manifest a blend of characteristics associated with various personality disorders, or they may even have none of these characteristics at all. So, it may be necessary for the investigating officer to change the path they are following in conducting the interview, depending on the information that is revealed about the offender’s personality as the interview proceeds.

Psychopathic

An individual with a psychopathic disorder will probably have a history of offending and misconduct. As a child the psychopath may have participated in truancy and vandalism and may have been involved in assaults. As an adult, they may be involved in multiple relationships, and have difficulty maintaining steady employment. A psychopath has no empathy or moral compass and will lie for gain or pleasure. The predominant trait here is egotism.

Interviewing tips:

- This interview should be conducted by an experienced investigating officer because this personality type can be extremely challenging.
- The investigating officer must have knowledge of sadist behaviour and the related typologies.
- The investigating officer must have a strong enough presence as they will have to assume control of the interview.
- The investigating officer should show respect for the accused's intelligence and act as if they are learning from the accused and are genuinely curious about how the accused committed the crime.
- The accused should be allowed to take centre stage and be given an opportunity to show their intelligence off as much as possible. To achieve this it is necessary to use open-ended questions.
- Psychopaths usually have above-average intelligence and are cunning. They may try to deceive the investigating officer and manipulate the interview by, for instance, displaying emotions that are not real.
- The psychopath will also not be concerned if they are shown to be lying. They will just ignore it without being bothered at all.
- They may also try to shock or offend the investigating officer as a way of disrupting an interview and taking control of it.
- The psychopath may also refer to themselves about what they have done in the third person.

Narcissistic

Narcissism is defined as extreme selfishness with a grandiose view of one's own talents and a craving for admiration. Narcissists dominate conversations and feel compelled to talk about themselves and exaggerate their accomplishments. They create an idealized version of themselves in an attempt not to face the fact that they are actually not good enough. Consequently they have difficulty handling anything that may be perceived as criticism. They have secret feelings of insecurity, shame, vulnerability and humiliation. This may cause them to react with rage or contempt or try to belittle someone in order to appear superior. Other personality traits may include:

- Self-entitlement
- Hypersensitivity to criticism (real or perceived)
- Envy of others
- Feelings of worthlessness

The narcissist wants to receive praise and admiration from others, and will therefore exaggerate unrealistically their successes. They are boastful and arrogant.

Interviewing tips:

- The interview techniques are similar to that of psychopaths.
- The investigating officer must have a strong presence and be in control of the interview.
- The investigating officer should show respect for the accused's intelligence. The accused will want the investigating officer to recognise the former's superiority and intelligence and that he has the ability to get away with the crime.
- The investigating officer should begin the interview by asking the accused to give their side of the story. The investigating officer should create the impression that they find it difficult to believe a person of the accused's status and intelligence would be involved in something like a sexual assault.
- It is important for the investigating officer to make comments throughout the interview that convey true understanding, rather than just nodding. They should provide positive reinforcement to the accused for taking part in the interview.
- The investigating officer should not expect any empathy or concern for the victim, the interviewer or the investigation. Any behaviour on the part of the accused will be entirely self-serving. A narcissist is unable to see things from the perspective of anyone else.
- As the narcissist is extremely sensitive to criticism (whether real or perceived), the investigating officer should avoid accusations or debates as this will effect communication.
- A useful technique is to review the information obtained during the interview and ask for the suspect's analysis thereof as though he were the investigator.

Paranoid

This term is used to describe an overly suspicious person. They do not get involved in close relationships and often believe that others are trying to harm them. Such an individual is usually hypervigilant to the surrounding environment and to criticism. A paranoid person often feels threatened (whether real or perceived) and is, therefore, very watchful and quick to react. Other characteristics include: brooding, difficulty with forgiving, lack of a sense of humour, argumentative, and resistance to authority and control.

Interview tips:

- When conducting an interview with a paranoid person, the investigating officer should remove any items of clothing that might signify authority.
- Where possible, the investigating officer should conduct the interview in a formal, sterile environment free of noise or disturbances.
- Offers of coffee and snacks and the use of the bathroom may be viewed suspiciously by the suspect.
- The investigating officer must try to create an environment that is candid and open, yet formal. The accused may genuinely believe that they have been wronged.

- In order to make the accused feel as comfortable as possible, the investigating officer should use non-threatening body language and maintain a physical distance from the accused.
- Because this type of person is not good with relationships, the development of any rapport will be limited.
- The accused should be given an opportunity to vent about the situation.
- The interview must remain focused on the actual sexual assault and not allow the accused to change the subject.

Paraphilic

The DSM-IV-TR describes *paraphilias* as "recurrent, intense sexually arousing fantasies, sexual urges or behaviors generally involving nonhuman objects, the suffering or humiliation of oneself or one's partner, or children or other non-consenting persons that occur over a period of six months." Other types of paraphilias include: fetishism, transvestitism, paedophilia, exhibitionism, voyeurism, sadism, and sexual masochism. The investigating officer must be aware that paraphilic behaviour is a long-term personality disorder and difficult to treat.

Interview tips:

- The investigating officer must be very comfortable with deviant sexual behaviours in order to conduct a successful interview.
- A soothing and reassuring voice should be used throughout the interview, and the accused should be referred to by name.
- It is important that derogatory comments be avoided, especially terms like pervert, rapist, molester. These will only serve to alienate the accused.
- Gender may also become an issue. Some accused may respond better to a particular gender, and if the investigating officer becomes aware of this, then they should organise for an interviewer of the other gender to take over.
- This type of accused tends to think that nobody understands how they feel, so the investigating officer should focus on post-offence remorse and guilt by showing that they understand what the accused is going through.
- The offence must be treated simply as a technical violation of the law without any moral judgement so that the accused does not feel as though they will be rejected if they admit their behaviour.

Although the above gives some pointers on interviewing people with different personality disorders, it must be remembered that an accused may have a mix of characteristics. For instance, they could be a narcissist with paraphilic tendencies. Also, personality disorders range in severity, and it may be very difficult to categorise some individuals.

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