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INTERROGATION OF SEX OFFENDERS

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In the usual course of events, individuals who are accused of having committed sex offenses have to be interrogated on several important occasions. When they are first arrested there must be a police investigation. Before they are tried, they usually undergo further examinations by police agencies or other arms of the court. Before they are sentenced, there may be special pre-sentence investigations by the probation department. Before or after sentencing, they may undergo psychological or psychiatric examinations. If they are given prison terms, they are bound to be interrogated in the course of entrance and placement examinations, and especially before parole. After they are released from prison, some parole department keeps following their case by instituting further periodic interrogations. All along the line, therefore, sex offenders are continually questioned about their past and present activities—and especially about their sex desires and behavior.

Since the sex questioning of the most normal individuals in our society—as Hamilton, Kinsey, Pomeroy, and Martin, and others have shown—is a difficult procedure, and since sex offenders in particular have an obvious incentive to give evasive, misleading, and downright dishonest information about their sexual proclivities and activities, one would imagine that the questioning of such offenders would be entrusted to professionally trained and experienced personnel who would at least have a fair chance of getting at some of the underlying facts regarding their offenses. Unfortunately, the reverse is often true: and severely disturbed as well as reasonably “normal” offenders are routinely interrogated by police, court, prison, and other officials who, because of their lack of specialized training, have about as much chance of getting at the true facts of many cases as they would have of psychoanalyzing a severe neurotic.

It is not easy, except as part of an intensive course in clinical interviewing techniques, to outline in detail exactly what procedure should be employed in questioning an arsonist or any other type of offender, and particularly the sex offender. It is much easier and more practicable to consider, rather, what kind of individual should normally conduct the investigations, and to recommend that he and he, alone, should be permitted to question the offenders at any stage in the usual police, court, and prison investigations that they undergo. Briefly, interrogators should fulfill the following requirements:

1. They should be professional people who have had adequate training, including

supervised clinical experience, in one of the regular psychological disciplines, such as clinical psychology, psychiatry, or psychiatric social work.

2. They should be individuals who have had a reasonably active sex life themselves, preferably including some nonconformist sex behavior, and who have no serious sex problems.

3. They should have distinctly liberal attitudes toward sex, should believe that there is nothing inherently wicked, nasty, or evil about acts like exhibitionism, homosexuality, or disseminating sex literature, and should have no exaggerated horror of such antisocial sex acts as rape or relations with a minor.

4. They should have, in addition to their knowledge of the science of human behavior, a specialized knowledge of the historical, sociological, and anthropological aspects of sex, love, and marriage relations.

5. They should have a general knowledge of criminology and a special knowledge of sex crime. Their knowledge should include the full realization that the majority of offenders are emotionally disturbed, sexually inhibited, thoroughly inadequate and immature personalities whose enormous guilt and sense of failure about normal sex relations have driven them into abnormal or antisocial behavior.

6. They should be sufficiently stable and nonhostile individuals who are able to gain and maintain rapport with even the most truculent and uncommunicative (not to mention abusive) kinds of offenders.

7. They should be fully capable of easily and unembarrassedly employing the most down-to-earth language, and of showing their informants, in every possible way, that they are not in the least afraid of any sex topics.

8. They should have considerable clinical "intuition" and judgment, and be able to sense when some of their questions have struck home, and which questions are to be directly or subtly followed up while others are, temporarily or permanently, dropped.

9. They should preferably have some training and skill in psychotherapy, and be well prepared to handle traumatic material or emotional upsets which may be ventilated during or as a result of the interrogation procedure.

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 unembarrassing 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.

Assuming that the questioner is the kind of individual who properly *should* be interviewing this sort of offender, he may then learn some helpful pointers about specific questioning techniques. Some such techniques which the present author has learned the hard way in the course of questioning may be listed as follows:¹

¹ Some of the suggestions listed here are appropriate only for the clinical psychologist or other professional worker investigating sex offenders in the post-conviction stage of their cases. In pre-

1. Gaining rapport with the informant is most important. This may effectively be done by convincing him that, even though you are interviewing him in some official capacity, you are essentially on his side; that you want to help him get at the root of his sex and other problems; that your function is not a punitive one, and that you would much rather see him be treated than be jailed; that you do not in any way loathe him because of the act he has committed, but understand, instead, how he could have done so; and that you generally sympathize with him and are much more interested in his physical and emotional well-being than in his "immortal soul."

2. The phrasing of your questions may make considerable difference between getting minimum and maximum information. You should normally assume that the respondent *has* participated in almost every sex act, "normal" and "abnormal," known to man, and you should express surprise and incredulity when he claims *not* to have indulged in them. Questions should usually be of the "When did you first do this?" rather than of the "Did you ever do this?" type. The underlying tone of your questioning should imply that virtually every normal person does this or that, and that therefore the informant probably has done it too. At the same time, you must be careful not to encourage boasts of sexual prowess, and must show the informant that you are not at all impressed by the tales he may give.

3. The order of the questions sometimes is of major importance, particularly if the respondent is shy or guilt-ridden. Questions about the offender's love life—when he first fell in love or became infatuated, how many times he has fallen in love, and so on—are generally considered to be less embarrassing than direct questions about his sex life, and may serve as a good introduction to the latter. Innocuous questions about schooling, physical health, and relations with parents not only may give an invaluable psychological background to the respondent's sex activities, but frequently provide specific leads for later sex questions. Introductory questions of an objective nature also serve to put the informant at his ease, and to absorb some of the nervousness which is so frequently evident at the beginning of any questioning procedure.

4. The problem of privacy is a particularly important one in interviewing sex offenders, since obviously there is little that is not private about the whole procedure, and the offender generally realizes that anything that he says may be held against him. This disadvantage may be minimized, however, if the interviewer convinces the informant that his main purpose is to help rather than to punish him, and that the main object of the interview is to get at the true facts in order to understand *why* the offender committed his offense and not merely to discover *what* he did. In other words, the questioner may let the informant feel that he understands that a sex offense was committed, and he knows that such offenses are often committed, but he wants to discover why this particular offender committed this particular offense, in order to minimize the element of blame and to maximize that of treating the offender so that the offense will not be committed again and so that the offender will keep out of trouble in the future. When and if the informant understands that the questioner

conviction stages, promises or implications of lenience, for example, will render any confession legally void, and therefore cannot be employed.

is non-judgmental and is essentially on his side, he may well reveal the most detailed account of his wishes and acts—and may even go to greater lengths to do so than may the less disturbed and less jeopardized subject of an objective study like the Kinsey researches would do. An intelligent and clinically minded questioner, in other words, may put the fact of the offender's possible jeopardy to especially good account, and may use it as an incentive to his telling a more truthful account of his sex life than he might be willing to tell, under more normal circumstances.

5. The techniques of interviewing general sex informants, as so well outlined in the second chapter of the first Kinsey report, are most relevant to the questioning of sex offenders and should be studied carefully by all prospective interviewers.

Questioning sex offenders under narcosis and hypnosis is *not* essentially different from questioning them under non-narcotic and non-hypnotic conditions; and the essence of successful interrogation, once again, lies in the *clinical* approach taken by the questioner. Contrary to widespread public misapprehension in this connection, there is nothing magic about administering sodium amytal or other "truth serum" drugs to a sex offender, nor about hypnotizing him. Although the use of narcosis or hypnosis *may* result in pertinent information that could not be as easily obtained through other methods, it also may *not*. Under both narcotic and hypnotic conditions subjects may give no more information than they give under normal questioning conditions; sometimes they may even give *less* or more confused information; and frequently they give misleading and utterly fantastic information.

Individual reactions to narcosis and hypnosis are enormously varied: so much so that, as Dr. Henry Guze has pointed out in an interesting paper, hypnosis may be used as a projective approach to the assessment of human personality. Where some individuals, when hypnotized or given "truth serums," quickly give sexual (and other) information that would, at best, be brought up by many hours of normal questioning, others fall into trance or narcotic states that effectively prevent them from saying anything at all; or garrulously talk about non-relevant data; or evasively give non-essential information; or frankly refuse to answer salient questions; or otherwise nicely evade important issues.

To make hypnotic and narcotic interrogation most effective, the questioner should normally go to considerable lengths to gain maximum cooperation and rapport with his respondent. Narcoticized subjects should be told something about the effects of the drug being used, the reasons for its use, and the harmlessness of it. Hypnotized subjects should be well prepared for hypnosis by being told that any intelligent individual may be hypnotized if he wants to be; that the public's conception of hypnosis is generally false and misleading; that there is no possibility of harmful after-effects; that the subject will not be forced to do anything against his will; and so on. In both cases, the potential helpfulness of the hypnotic or narcotic process to the subject should be emphasized: with stress being laid on the desirability of discovering information which he may not consciously realize himself, and that will help him solve his own disturbances if brought to light. Here again, the desire of the questioner to *help* the sex offender, rather than to discover information to be used *against* him, must especially be underscored.

Once rapport is effectively gained with the respondent, the questioning technique

that is used in hypnosis and narcosis is not essentially different from that used under normal interrogation conditions. The questioner must clearly know what information he is trying to elicit; but must also be fully aware that he is questioning a human personality, rather than a trance-induced robot. And just as human beings block, resist, evade, and fantasize in the normal waking state, they will tend to do so under hypnosis and narcosis. Moreover, just as a subtle and incisive questioner may get much information from an individual against this individual's will under normal conditions, so may he do under hypnotic and narcotic conditions. In many instances—though hardly in all—intellectualized defenses will be weakened or short-circuited under narcosis or hypnosis; but they will rarely be lulled to the point where almost any kind of a blunderbuss, hit-and-miss questioning technique will result in maximum gathering of salient data.

Particularly must the questioner who uses hypnosis or narcosis be on his guard against fantasy production. Sex offenders will frequently, when hypnotized or narcotized, relate practices which they would have liked to experience, or which they almost experienced, but which in actuality they never did meet with. If they feel that the questioner *wants* them to give him certain information—such as witnessing or experiencing sex acts during their childhood—they will sometimes tell him that they actually did witness or experience these acts. If they are unusually guilty about their sex offenses—as they frequently are—they may self-punitively accuse themselves of a host of previous offenses which are sheer fantasies. If they are homosexually or heterosexually attracted to the questioner, they may boast, for his benefit, of sexual prowess which they are far from possessing. All these types of fantasies may, of course, also be produced under normal questioning conditions; but they are more likely to be produced under hypnosis and narcosis. Consequently, the interrogator must be continually on his guard for fantasy production; must check all information for internal consistency and plausibility; must see if the alleged sex experiences, or lack of them, logically seem to fit into the subject's total personality picture; and must generally take a thoroughgoing sceptical, clinically cautious attitude toward all material produced under narcosis or hypnosis.

Several special questioning techniques may be used under hypnotic and narcotic conditions which are not easily employable under normal questioning conditions. Regression and reactivation are particularly useful in this connection. Thus, subjects may be literally regressed to a previous period of their life—such as the time when they first experienced a sexual trauma or when they first committed a sex offense—and may be led literally to act out events which, in a waking state, they cannot accurately recall. In one case, for example, of a homosexual boy who was very vague about his early relations with his older brother and sister, he was given sodium amytal and then told: "You are now seven years old. You are back in your home, in your own room. You are thinking about sex. Then someone—someone a little older than you, comes into the room. Who is it?" "My sister," he replied, as he began visibly to tremble and to show extreme agitation. "And what happens? what do you do." He began to sweat and to stutter, and finally related a complete story. When he was finished, he was told that he was again back in the same room, but that this time someone else came into the room, and talked to him about sex. And he was quickly

able to remember that this other person was his brother; and that they, too, had misbehaved. Under simple hypnotic and narcotic questioning, he had only been able to hint at these facts; but under regressive reactivation, he was able to give minute details about them.

Another adjunct technique which was found especially useful at the New Jersey Diagnostic Center is the narcosis technique, and especially, hypnosis used in conjunction with spontaneous drawings or paintings. The writer worked there with Dr. Ralph Brancale and Ruth R. Doorbar in the interrogation of convicted offenders. The subjects would be induced to draw or to paint whatever they wished in both their waking states and when they were under deep hypnotic trances. Usually, when asked what they associated with their drawings or paintings under waking conditions, they would produce relatively little valuable material. But when asked to associate or to interpret the same drawings or paintings under hypnosis, they would frequently bring out most interesting and salient material.

In the case, for example, of the homosexual boy previously mentioned, the first hint of his relations with his brother and sister was obtained when he drew several seemingly quite innocuous drawings of flowers. When asked, under hypnosis, what these flowers meant, he usually described one of the petals as representing himself and two of the other petals as representing his brother and his sister. In some instances he also would say that he was hopelessly entwined with his brother and sister, but he could not clearly state what he meant by this. It was later, with the use of narcotic regression, that he finally recovered the details of his relations with them which had previously been hinted at in his hypnotically revealed explanations of the meaning of the flowers.

In another instance, using automatic writing under hypnotic conditions, an exhibitionist who at first insisted that he had no idea why he felt compelled to exhibitionism was asked to write on a blackboard the main word about which he was thinking just before the act. He laboriously spelled out the name of his wife; and it was then quickly discovered that he had had a violent argument with his wife that morning, had bitterly resented her attitude toward him, and had unconsciously tried to get into trouble and thereby to disgrace his wife and family.

Another adjunct technique which may be used with hypnosis and narcosis—and especially, again, with the former—is that of showing subjects Rorschach cards before, during, and after hypnotic or narcotic states, and particularly asking them to give sex associations to the cards. In one case where this technique was used, the offender gave an original Rorschach protocol which was well within the normal range. When shown the same cards, however, in the course of a deep hypnotic trance he obsessively gave literally scores of sex responses that were completely missing from his waking state Rorschach.

Hypnosis and narcosis, then, may not only be effectively use in the questioning of offenders in the usual question and answer method, but may also be employed with various adjunct techniques which sometimes provide valuable additional information. Here, especially, however, the warning that we previously sounded in relation to the possible need for psychotherapeutic handling must be emphasized. For material that is normally deeply repressed by an offender and that is quickly brought up in

the course of a narcotic or a hypnotic session is quite likely to include highly embarrassing, dangerous material which the respondent cannot easily face, and which he had repressed for that very reason. Consequently, once the subject comes out of his narcotically or hypnotically induced trance state he may be very shaken and upset, and may require some immediate psychotherapeutic handling of the ventilated material. Unless the questioner is capable of giving psychotherapeutic aid at this point, and of recommending a more extensive and intensive psychotherapeutic follow-up for the future, considerable harm may be done to the subject and a golden opportunity for helping him overcome some of his underlying disturbances may be lost.

SUMMARY

The interrogation of sex offenders, under narcosis and hypnosis as well as in the usual waking state, is as much of an art as a science, and it is an art which is synonymous with the art of clinical psychological and psychiatric examination. There are no magical formulas or surefire shortcuts that can be used to make offenders give information about themselves which they are often understandably loath to reveal. The individual who interrogates sex offenders must be prepared for some of the stiffest conscious and unconscious resistance; and he can only expect to minimize this resistance and to maximize the usefulness of his findings when he himself is an exceptionally well trained, experienced clinical interviewer, with a profound knowledge of the psycho-sociological aspects of normal and abnormal human behavior, who has thoroughly objective and liberal attitudes toward human sex activity, who can unembarrassedly use down to earth language, and who has no mean degree of psychotherapeutic insight and skill.

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