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THE EFFECTS OF AUTHORITY FACTORS IN INTERROGATIONS

WILLIAM TEMPLE HORNADAY, II

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In the years since the creation of the first school of police science in an academic institution of higher learning in the United States, there has been a slow but accelerating production of text books and writings on many of the subjects included in the curricula of such schools. Actually, in comparison with production in related fields, the number of scholastic writings in police science has been woefully small. But an even greater shortcoming in this field is the apparent dependence of authors on their personal experience alone and the failure to use collective experience which certainly is available, or to test the validity of existing practices and procedures by laboratory or other research.

These remarks have particular applicability to the field of interrogation. This subject has not been totally ignored; several books either limited to the subject or including it with other matters, such as the lie detector, have appeared in recent years. Without question, these books have been a boon for the purpose for which they were intended. Normally this has been to serve as handbooks for inservice officers. They unquestionably have filled a gap in the professional assistance to police that needed filling. But here their value normally stops.

They usually have been written by experts in criminological laboratory (polygraph technicians, etc.) rather than in field investigative work. They therefore reflect the viewpoint of experts who interrogate subjects brought to them, and whose interrogations are conducted in special rooms created for the purpose, usually under very similar conditions. This undoubtedly helps to account for some of the emphases found in the books. For example, there is invariably great stress placed on the type of room to be used for interrogation and

on its furnishings. One writer will insist on absolutely bare walls and a Spartan austerity of furnishings; another on a "homey" style of furnishings and decor; and each will insist with utter sincerity that his is the way to set up such a room for optimum success.

Certainly, most police departments of any size in the country have interrogation rooms; major prisons invariably have "interview" rooms; so do the larger city and county jails. Many federal investigative or law enforcement agencies, on the other hand, have rarely enjoyed such facilities. It remains that most law enforcement officers—city, county, state, or federal—have to conduct many or most of their interrogations and interviews under "field" conditions, and without benefit of such specialized facilities. So, to be most helpful and useful, writings on the subject of interrogation should go far beyond the narrow limits found in current writings.

One factor which must have some, and perhaps substantial, influence on the results of interrogations by law enforcement officers, and yet about which, it is believed, no research has ever been conducted, is the effect that results from the official character of the interrogators.

The scope of the work leading to this paper does not permit an attempt to determine this effect, either its existence or the amount of influence it has on results. The purpose of this paper, is to serve, hopefully, as a catalytic agent leading to careful research, or to the accumulation of data which may be useful to police science. To this end, this paper will pose as many leads as the writer can generate which may provoke more extensive study, analysis, and research by those in a better position to carry out such activities.

DIFFERENT TYPES OF INTERROGATION SITUATIONS

It should be evident, first of all, that much of benefit to criminal interrogations should be available from experienced interrogators in other fields than those now covered. Contrary, perhaps, to first thoughts, there are substantial numbers of fields besides that of law enforcement in which interrogation techniques have been highly developed. Within the law enforcement field itself, however, it would doubtlessly be profitable to go beyond the criminal laboratories of a few of the city police organizations, and to examine techniques of interrogation which may have been developed in the conduct of law enforcement activities outside the laboratories. The first category or type of interrogation situation that should be more thoroughly explored is the one in which the agencies are official and have full police authority: federal investigative and enforcement agencies, state police forces of all types, and county and city law enforcement organizations.¹

Next, there are substantial numbers of government agencies which have no connection with criminal law enforcement, yet which have responsibilities requiring the development and training of personnel in investigative fields. Many of their personnel become specialists in interrogation. In many situations in which they operate officially such personnel lack arrest or full police authority. Yet it normally is apparent to interrogees that these interrogators have official

status and that they are performing in an official capacity. It probably would be worthwhile to determine empirically how much this obvious official status affects the results achieved in interrogations.

The situations referred to are numerous and complex, and some, because of their nature, are surrounded with security restrictions and classifications on training materials which will make difficult to the researcher the task of obtaining comprehensive data on which to base police science educational material. However, patient endeavor and candid explanation to responsible senior officials of the purpose of the research and its value to police science should bear fruit.

All officials concerned with the collection or gathering of intelligence information for the government fall within the group of persons who have official status but who normally lack police authority. Thus, military attaches, commercial attaches, and other varieties of attaches in embassies are within the category. Intelligence organizations, like the Office of Strategic Services (OSS), which existed during World War II, or any peacetime equivalent include personnel with extensive responsibilities for interrogating or interviewing people to obtain information. The official character of these interrogators or interviewers is apparent, but they customarily lack police or arrest authority. Exceptions to this arise, as they did with some OSS personnel who were primarily concerned with counterintelligence. The specialized responsibilities of all such types of officials require courses of training in interrogation and interviewing which may contain approaches, ideas, or techniques helpful to law enforcement officers. Whether specific attention has been given to the significance of the absence of police authority in the work of these interrogators is doubtful. It may be that the fact has influenced training or techniques, perhaps even unwittingly, and careful study of training materials or techniques may lead to helpful conclusions.

Another category of government officials consists of those who today are responsible in foreign countries for protecting the personnel and facilities of the United States Government from local or hostile intelligence forces; in other words, officials with counterintelligence responsibilities. Whether or not they have arrest authority depends on a number of differing factors. First, if they are

¹ The following is provided as a check-list, believed to be complete, of such Federal agencies:

- a. Federal Bureau of Investigation, U. S. Department of Justice.
- b. Immigration & Naturalization Service, U. S. Department of Justice.
- c. Border Patrol, Immigration & Naturalization Service, U. S. Department of Justice.
- d. Post Office Inspectors, Post Office Department.
- e. Secret Service, U. S. Treasury Department.
- f. Narcotics Bureau, U. S. Treasury Department.
- g. Customs Bureau, U. S. Treasury Department.
- h. Alcohol & Tobacco Tax Division, U. S. Treasury Department.

Types of State Police forces which should be approached:

- a. State Police with general police authority.
- b. State Police (such as State Highway Patrols) with limited police authority.
- c. State Excise Police, normally with limited police authority in special fields, such as enforcement of Alcoholic Beverages Acts, and other special tax enforcement responsibilities.
- d. Special types, such as the Texas Rangers. County Sheriffs and County Police forces, as well as Municipal or Metropolitan Police Departments, should be explored.

military counterintelligence, and they find personnel of their own forces violating military law or regulations regarding the protection of classified information, or discover personnel furnishing such information to unauthorized persons, under most circumstances they have authority to arrest. If the taking into official custody occurs on a military base of the United States, such as those set up under the North Atlantic Treaty in Western Europe, or in a United States Embassy, or other official installation, their authority to arrest probably cannot be challenged effectively. But regardless of the technicalities of the place, time, and manner of arrest, any U. S. military personnel arrested by such officials recognize, when interrogated, that they are being interrogated by official personnel with authority to retain custody of them, forcibly if need be. In other words, the complications surrounding arrest authority in foreign countries will not affect the official character of the interrogation.²

The last large group of fields in which untapped amounts of specialized knowledge and techniques in interrogation exist are the completely non-official ones. Probably the best sources among these which should be considered are lawyers, insurance investigators, and social science researchers of all types: public opinion pollsters, political scientists, sociologists, sex research institute investigators, etc.

The amount of interrogations and interviews carried out by lawyers in general practice would astound the average layman. A survey of public opinion might well indicate a general belief by the lay public that it is the lawyer specializing in defense of criminal cases who has the experience

² Examples of personnel with such authority are the Army Counter Intelligence Corps (CIC); Air Force Office of Special Investigations (OSI); and Office of Naval Intelligence (ONI), which also has jurisdiction over the Marine Corps in such matters. It is possible that the new Defense Intelligence Agency (DIA), created recently by the present Secretary of Defense to centralize many of the intelligence activities of the separate military departments, will in the future (if it has not already) begin centralized direction, control, and at least supervise the training of the counter-intelligence forces of the military departments, although this was excepted on a temporary basis in the Secretary of Defense's original order.

Certain State Department Security Officers may have somewhat parallel authority over Foreign Service personnel in view of the recent broadening of the Federal Espionage Act to cover violations by American citizens in foreign countries. They could hardly be expected to be far advanced in matters of interrogation with arrest authority, however, as this situation, if it pertains to them at all, is new.

in this field. Considering the number of "who done it" novels and television programs centering on lawyers with such specialities, this is understandable. Lawyers in civil practice usually have far more experience in interrogation both because they outnumber specialists in criminal defense, and because of the variety and number of cases they handle which require the development of evidence—of facts—by the interrogation or interviewing of witnesses. There is no known body of knowledge of techniques or procedure developed from this source; but a research project might produce important results. Most lawyers develop their own approaches, because law schools do not offer instruction in this field.

In recent years, some law firms have specialized in representation of casualty insurance companies with special emphasis on investigation, settlement, or litigation of automobile accident cases. It is a safe conclusion that in such firms lawyers will be found who have developed the art of interrogation and interview to a high level. Some law firms specialize in representation of the plaintiffs' side in damage suits—and again, automobile accident cases predominate. This is another potent source of information. In very large law firms in the largest cities, it can be expected that there are members of the staffs who specialize in the "leg work" in developing the evidence for cases. This is another fruitful source.

Many major insurance companies employ and maintain their own professional staffs of investigators and "adjustors." Here is to be found a very high degree of skill in interrogation and interviewing. No material indicating any effort to identify such skills, or to correlate or systematize them, has ever been produced. It should be a bountiful field for research.

A question that should be kept in mind while conducting research in all these fields is what effect, if any, the lack of official authority has on techniques of interrogation.

There may not be much of value to the law enforcement field in the techniques employed by researchers in the social science fields, but these fields should not be ignored. There probably has been more study and research in the art of asking questions and in the content of questions in public opinion surveys than in any similar line of activity. The development of organizations like George Gallup's American Institute of Public Opinion, and opinion or attitude research centers at major

universities such as Chicago and Michigan State serve to illustrate the importance attributed to the effort.

THE EFFECT OF OFFICIAL AUTHORITY ON INTERROGATIONS

Although discussion of this subject has been included in the earlier parts of this paper, it merits further elaboration. The writer's attention was first attracted to it when he heard the Chairman of the Department of Police Administration at Indiana University comment about the drastic change he had noted in conducting interrogations at the invitation of local law enforcement agencies after he had retired from the Indiana State Police, and had become a university professor. This gentleman had created and for many years was responsible for the operation of the criminological laboratory of the Indiana State Police, later having more senior responsibilities in that fine police organization. He reported that upon the occasion of the first interrogations he conducted without official status, he was startled to note how it affected both his own attitude and that of the interviewees; also, what a handicap it was to interrogate without the official status.

The writer, on the other hand, had been in and out of official status so often, and yet continued in both situations to perform interrogations and interviews, that if he had noted any substantial difference in earlier days, he had forgotten it. The differences in background might explain the different reactions to the two situations. A lawyer, perhaps, may never notice such decided differences between interrogations in an official status and non-official because a lawyer may have confidence from knowing the limits of what he can do in interrogations and what he cannot, and because of his status as an officer of the court; perhaps he thus gains a self-confidence in his work that the non-lawyer interrogator whose background was law enforcement but who later interrogates in a non-official capacity lacks. These are guesses. But they might form hypotheses for more scientific research. It has impressed the writer that there may be something of real value to official interrogators in this matter that would make research effort worthwhile.

NEED FOR NEW TERMINOLOGY

If such research should be undertaken in the future, some study should be given to one additional rather petty item, but which could make a

contribution to better over-all understanding in the law enforcement field. This is whether the terminology used today in connection with the general field of interrogation is either inclusive or precise enough, and whether some effort to persuade law enforcement agencies generally to adopt a common language in this respect, technical in nature, would be worthwhile.

In the intelligence elements of the United States Government today, particularly on the counter-intelligence side, four separate terms, or rather, three separate terms with a double application of one of them, have come into general use. They are more precisely defined and limited in application than the language which for years has been used in law enforcement circles. These are: "interrogation," "interview," and "eliciting" of information. "Eliciting" applies to two separate situations: One in which the person from whom information is being elicited is witting of what is going on, and the second in which he is unwitting.

"Interrogation" is limited narrowly to the situation in which the interviewee is being questioned officially and is under official restraint; that is, he is in a state of arrest.

"Interview" applies to official questioning, but in situations in which the interviewee is not under arrest or official restraint of any type. Thus, it would have application to the taking of a statement or gaining information from a witness rather than a suspect or an arrestee.

"Eliciting" has to do with the obtaining of information from a person without his realizing that it is being obtained officially or for official purposes. If it is witting, the subject realizes that he is being "pumped" for information, but without knowledge of the official character of the elicitor; if it is unwitting, the subject does not even realize that he is being "pumped." Thus, a stranger casually gets into a conversation with a neighbor at a bar; it develops into a "bull session"; during the session, the first learns a great deal from the second without the second person's realizing that the first is obtaining it (unwitting); or, although realizing that the stranger is pumping him for information, the second person has no idea that the first one is an officer of any kind (witting).

First reactions to exposure to the use of this terminology are often that it is too academic. Yet it does have its usefulness, and can save time in report-writing. Adoption of precise terminology, however, always has the same drawback; it must

be used accurately to be effective, and this constitutes an educational task. In other words, adoption of precise, technical language causes confusion instead of preventing it unless it is used correctly.

CONCLUSION

The writer hopes that enough has been suggested herein to constitute a challenge to some enterprising faculty member in a police administration school, or to some graduate student in police science to undertake the type of exhaustive re-

search for the development of empirically tested data needed for real advancement in the field of interrogation. Always the researcher should keep in mind and analyze the applicability of the questions: How much does the official capacity and authority of the interrogator contribute to results achieved? Can improvements in the practical application of this psychological factor be suggested? Have techniques been developed by non-official interrogators which could be applied by and improve results obtained by official interrogators?