



The Forensic Interview

Assessing Truth and Motivation
for Treatment

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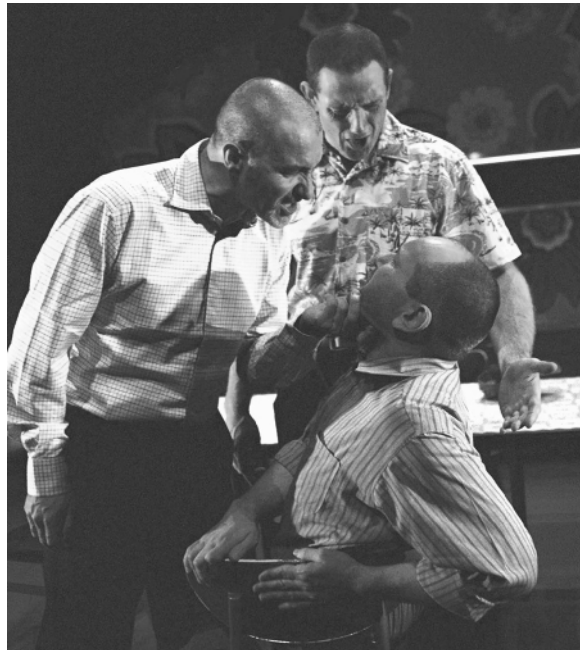
Who Should Be Sitting In This Room?

Brief Clarification

- A forensic interview is not an interrogation. You are not amassing evidence to secure a conviction but instead eliciting information that will help the court judge whether someone is or is not a suitable candidate for SA treatment
- However, as a mental health professional, you are required to give the subject notice that there is no treater-client relationship, and that you work for the Court
- You do not give a Miranda warning. That is required only when a sworn officer places a subject under arrest

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We Don't Recommend This Technique



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Nothing you tell me is confidential, Mr. Bates

You need to let the interviewee know that nothing he or she says to you is confidential, and that any facts you learn from any source may go into your report to the judge. Your report and recommendations will also go to the defense attorney and State's Attorney.

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Minimalist Interviewing

- Start with a baseline. Know as much about the person as possible before the first interview. You can't recognize deception without it
- Don't lead! Leading questions are the death of forensic interviewing. Questions should be as open-ended as possible
- Resist any pressures to speak for the person, to fill in details, or to supply words. We want to know what they said and experienced

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(The person being interviewed has just said something that suggests psychosis.)

Poor: Do you mean you heard voices?

Better: Can you tell me more about what happened to you then?

(The person says he heard "something" while sitting in his room.)

Poor: Was it voices or just some noise?

Better: Tell me about what you heard.

(An interview is in progress and the person has revealed the "something" he heard was voices. The interviewer then asks about what was heard.)

It was God telling me to rob the bank.

Can you tell me a little more about it, the details of what you heard?

I just told you. What do you mean, "details," man? I just heard it, that's all.

How did you know it was God?

I just knew it, that's all. Why you keep asking me these questions? I thought you was a doctor, and you don't know what I'm saying? Where you from anyway?

I'm just trying to see it the way you saw it, the way you heard it.

Yeah, uh-huh, and if you was a good doctor you'd see I'm sick and stop worrying me with all these questions. Damn, man, you getting on my nerves.

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Process Analysis

- Plan interviews. Have a strategy for each interview. Know what you want to get and have a plan for getting it
- Process the interviews. Go over each interview as soon as possible after conducting it. See if you really got what you wanted, and what kept you from asking key questions
- Vigilance. Keep an eye out for manipulation above the expected baseline of tendentiousness. Look for subtle forms of intimidation, appeals to sympathy, flattery, guilt induction

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How Do I Get Out Of Here?



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Some Approaches

- The Truth: The person has come to terms with who they are, what they've done, and what they are ready to do
- Manipulation: The truth may not work to the person's advantage, so they may try:
 - ◆ Guilt induction: you're not a good person if you are skeptical
 - ◆ Manipulation by anger: warning you away from questions by angry looks or words
 - ◆ Misrepresentation and lying: especially, telling you about things you can't check on
 - ◆ Minimization by reframing: holding up the 7-11 was chump change compared to the rip-offs of Wall Street

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Mr. Goodie Good

- He has seen the light, he knows he needs to change, and all he needs is a chance—the chance you can give him
- He may attempt to elicit your sympathy by using religious talk or reciting individual or group injustices
- He is very good at sounding all the right notes, throwing in some therapy talk, perhaps crying to show he has a conscience—yes, he's sensitive, not like the hardened criminals he's in with [this is why it is so important to know what he did before you talk to him]

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Psychopathy

- Psychopathy can be thought of as a lifelong pattern of chronic rule-breaking behavior combined with a callous disregard for others (malignant narcissism)
- It is not yet a recognized DSM diagnostic entity but does have a long history in clinical psychiatry going back to the 19th century concept of moral insanity (J.C. Prichard 1835)
- The psychiatrist Hervey Cleckley (The Mask of Sanity, 1941) gave the classic description of the psychopath and coined the modern term. The Canadian psychologist Robert D. Hare has operationalized and extensively researched the syndrome in such publications as Without Conscience, 1993
- Traditional mental health therapy may make psychopathy worse since many therapists are naïve about the realities of manipulation, lying, and deception, and they are uncomfortable with skepticism
- Psychopathy is most frequently viewed as a style of personality rather than as a mental disorder or brain disease like schizophrenia. You should know that there is ongoing dispute as to its biological basis, its treatability, its application to women, and its disproportionate application to minority defendants

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Alliance With The Psychopath

- Find a way to show you're not a chump or doofus. Your tone of voice, facial expression, and bearing should convey a certain street-wiseness, unless this would be incongruous. Subtly echo his vocabulary
- Show a little skepticism about the police. You are interested in his side of it. You don't care if he's guilty or not
- Look a little stupid. Some persons may be less defensive if they feel they are the sharpest tack in the room—try the Lt. Colombo ploy
- Acknowledge The Obvious. "Look, I can't make you say anything you really don't want to—it's up to you. But it's hard to see how clamming up or lying will help you, especially if I see it."

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The Columbo Technique



- Play it like you are you a little slow to catch on. Ask the person to help you by explaining more. Look a little dense as you do this
- Flatter the person a bit: "I can see you're a pretty sharp guy so there wouldn't be much point in me trying to fool you."
- You emphasize you are just doing your job and you need their help in doing it.

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The Angry, Defiant Inmate



- He's angry and he's not cooperating with anything
- He intimidates staff with angry outbursts
- He often looks like a volcano about to explode, and staff have a tendency to tiptoe around him

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First Steps

- Always assure your own safety. You must feel physically secure from the start. Take any measures necessary, such as having an aide or security sit in
- Decide how much physical confrontation you can tolerate Never be more confrontational than you are comfortable with
- Set a limit with instant follow-through. Always impose a consequence instantly or you will be ineffective
- Negotiate some speaking time. "Listen to me for five minutes. If you don't want to talk after that, we'll stop for today. But I'd hate to tell the judge you didn't cooperate—I'd rather tell him something good"

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Taking The Defendant's Measure

- Is the anger controlled/manipulative or fear-based?. That is, is this person highly aroused and fearful or coolly using anger as a tool of intimidation? You will need to probe
- If fear-based:
 - ◆ Try to address any cognitive distortions
 - ◆ Ask how you can help him/her feel safe
- If psychopathic and un-aroused:
 - ◆ Make clear that any lack of cooperation will go into the report
 - ◆ Stop any unwanted behaviors immediately
- Reality reminder: Remind the person that the legal process will go on whether he cooperates or not. Good behavior might score a few points with the judge

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Moving Towards Cooperation

- Listen to the grievance. Express some general sympathy but do not validate any specific points
- Rapport. Your rapport is crucial since this is what you will exchange for the information you want
- Frame Cooperation As Positive. Spin cooperation as the defendant's being smart, shrewd, hip to what's best for him or her. Never imply that cooperation is submission or surrender. Help the person think the good ideas are his/hers: "Look, you're a sharp person so I'm sure you've already figured out that . . ."

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What If They. . .

- Become especially abusive, use racial epithets, etc.:
OK to let them know it hurts you as a person but don't get angry. Try a low-key interpretation: "What you say hurts me. Maybe you're putting the hurt on me so I know how bad it is for you." Another possibility: "You're trying to hurt me so I'll back off and not ask questions. I'm just doing what the court has ordered. It's not a personal thing."
- Do something really gross. If it appears to be a manipulation, immediately identify it as such and indicate it will not keep the legal process from forging ahead

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What Is Truth?

- It's anything you can verify, find independent confirmation for
- A person is truthful to the extent his story and the facts match up (that's why you need to have some facts in the first place)
- Getting at the truth takes work, investigation, digging—you can't get at it by means of interviewing alone
- The truth comes out slowly, not always consistently, but progressively
- Vagueness and inconsistency are warning signs—deception ahead
- Beware reliance on "facts" that are impossible to verify

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Judging Real Motivation

- Talk is cheap; behavioral history is more revealing. Look for it:
 - ◆ Overcoming obstacles, showing determination, innovation, and persistence in doing so
 - ◆ Enduring ridicule, ostracism, and abuse; willingness to go against the group norm
 - ◆ Sustained effort—the longer and the more effortful the better
 - ◆ Indifference to recognition—exclusive focus on doing something constructive, without an audience, without external reward

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Behavior in the Joint

- People reveal their motivation by what they do—so look at what the inmate has done in the last 18 months. Talk to the Chief of Security at the institution
- Look at the inmate's institutional history (tickets, time in segregation) and security classification history (going from maximum, to medium, to minimum, to work release)
- Find out from prison authorities who the inmate hangs with (gang members? Trouble makers?)
- Find out how far back in time the inmate's self-improvement efforts extend—be suspicious of good behavior with a short history

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So Who's Suitable?

- Minimum security status; medium with exceptional behavior
- Ability with withstand sustained physical discomfort
- Some recognition of own weaknesses; can recognize signs he/she is about to use, fight, or flee
- Can tolerate seeing self in unflattering light
- Determined, persistent; recovers from failure with renewed effort (can reframe failure)

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Don't Confuse Yourself

- They don't have to be Superman or Wonder Woman to change—just persistent, ready to try again, working to make the periods of sobriety longer and longer, making relapses farther and farther apart
- The same goes for you—super talents not necessary, just decency, determination, healthy skepticism, and the belief that there is something in everyone worth saving

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