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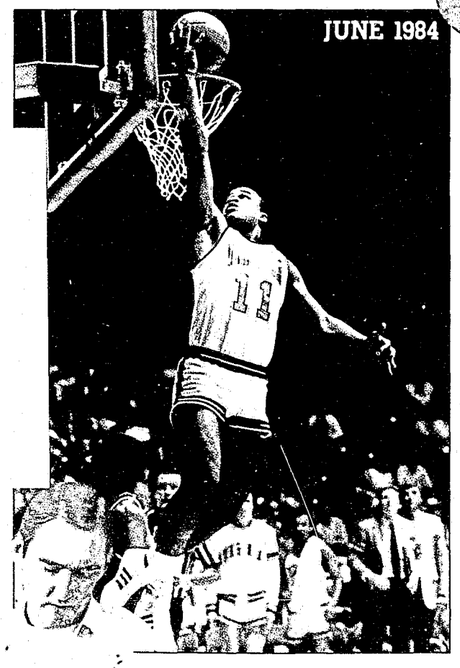

The Psychology of Performance Under Stress

The Importance of Listening in the Interview and Interrogation Process

"One can obtain more accurate and complete information in interviews through simply listening."

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Some time ago, a Kansas sheriff talked to a suspect in a liquor store robbery. At first the suspect was reluctant to talk about anything, much less the robbery, but soon began to talk about his girlfriend. They had gone to California together, began visiting and drinking with another man at a bar, and soon the three were making rounds of the bars together. After several days, the girlfriend deserted the suspect, leaving with the other man. Of course this had absolutely nothing to do with the liquor store robbery. Many in law enforcement would have instructed the suspect to talk only about the robbery. The Kansas sheriff, however, listened to the story of the suspect's love life. After giving the full details of his love life, the suspect said, "That's why I got into this trouble." His full confession soon came as a result of more listening.[1]

It is assumed that sharp questions, piercing the subject's lies, lead to confessions, but what about listening? Who has ever confessed while the interrogator was talking? Isn't listening as important as questioning?

Distorting the Story

Since most texts center more on questioning than listening, what is the effect of questions? While not conclusive, research has shown that some questions may distort both the answers and later recollection. In one study, a 3-minute video tape of a disruption of a class by demonstrators was shown to 56 undergraduate students.[2] One group was asked passive questions, such as, "Did you notice the demonstrators gesturing at any of the students?" Another group was asked active, loaded questions, such as, "Did you notice the *militants threatening* any of the students?"[3] When tested 1 week later, those who were asked active questions remembered the incident as more noisy and violent and the demonstrators as being more belligerent. Their reaction to the demonstrators was more antagonistic than those students who were asked passive questions. The article concludes that descriptions of witnesses to a complex situation can be influenced by the questions used to interrogate them about the incident. How suggestive a question may be or how much a person may be influenced is difficult to determine.[4] If a witness gives a narrative report rather than answering frequent questions, would it be more accurate? In a previous study it was stated that "a good deal of research has been conducted over the last 70 years and has indicated that relative to a narrative report form, an interrogatory report is more complete, but less accurate. Thus one conclusion that might be reached is that when people are forced to answer specific questions, their accuracy suffers, and further, that some

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questions affect accuracy more than others."[5] The authors cite earlier studies in which it was concluded that a narrative/interrogatory order produced more correct responses, fewer "don't know" responses, but little change in the frequency of incorrect responses.[6]

If an interviewer will first listen to the full story by a witness, followed by specific passive questions that have been triggered by careful listening to the narrative, he should get accurate, complete information. Listening, then, seems as valuable a tool as questioning.

Prior to the interview, the interviewer should set out a list of specific questions to be asked, realizing that there are problems with this approach. First, the questions are based on the interviewer's knowledge of the incident and are apt to be loaded with the interviewer's preconceived notion of what happened. Since it is the witness who will testify at a trial—not the interviewer—the interview must reflect the viewpoint of the witness, not that of the interviewer. If it does not, it may result in embarrassment to the interviewer as the witness' true viewpoint is brought out in cross-examination in court. Second, this approach may lead to distortion, depending upon how suggestive the particular questions are. Third, the information obtained from the witness through this process is limited. A long list of questions leads the witness to believe that the interviewer wants only limited information and that volunteered information is not wanted. If the interviewer concentrates on the prepared questions, no opportunity may arise for volunteered information. It is the unsolicited information from the witness' viewpoint that enhances the interview, making it both more complete and more accurate. When only a few unloaded questions are asked initially, the witness is given the feeling that anything he says is significant. The full story then flows forth freely.

The Narrative Report

One can obtain more accurate and complete information in interviews through simply listening. After the formalities of introduction, the interviewer should ask, "What happened?" and follow this question with a long period of active intense listening, allowing the witness or subject to tell the full story as he sees it. How well the interviewer listens initially is crucial to the interview. Only after the full story has been told in narrative form, without interruption, should specific questions be asked. These questions should be based both on missing elements of the narrative and planning before the interview.

Listening Aids

A few simple aids to better listening that can be easily remembered, practiced, and added to everyday habits will aid in forming successful listening habits. Practice of these listening skills should lead to improved interviews and interrogations.

Avoid Distractions

Most people speak at a speed of about 125 words per minute,[7] extremely slow compared to what the brain can handle. A poor listener's thoughts drift away into daydreams or outside thoughts during this spare time, then fail to return for crucial spoken words. While a listener is wondering whether he turned off the waffle iron, the witness or subject may say something important—thought connections are

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lost. A phrase may be spoken only once while the listener's thoughts have drifted away. That phrase may contain an important item of evidence or an important admission of a suspect, but it goes undetected because the interviewer is daydreaming.

To aid concentration, a listener should use the extra thinking time to think ahead of the talker, formulate ideas on where the talker is headed, and connect that information to what has already been said. He should also withhold weighing the evidence or making any evaluation until the complete message is understood. There is a strong tendency to make a quick evaluation without first getting the full meaning. Patient listening should be followed by questions to weigh the evidence and separate truth from lies.

Watching the clock can be a severe distraction to good listening habits. Beginning an interview only 30 minutes before the car pool leaves for home will cool the interviewer's listening desire. "Get to the point" and "Give me the bottom line" are other forms of impatience that can eliminate much of the detail from any interview. "The bottom line" has no relevance without sustaining explanation.

Questions prepared before the interview can hinder concentration greatly, since the interviewer is often thinking about what he will ask next rather than concentrating on the answer being given. Questions that clarify a narrative by a witness can only be formed through proper listening.

The Listener's Responsibility

One should listen actively rather than passively.[8] Good listening is hard work. The listener's own actions, i.e., body movement, eye contact, hand gestures, head nodding, facial expression, and tone of voice, must convey to the witness an interest in what is being said and an interest in the witness as a person. Leaning toward the speaker conveys the nonverbal signal that we are interested, even enthused, about the information being given. Through tone of voice, facial expression, and body movement, the interviewer can betray emotions of disgust, boredom, disbelief, and contempt which can make a witness defensive or evasive.

Time Frame and Space Descriptions

As the narrative by a witness develops, a time frame should begin to develop in the mind and notes of the interviewer, then be firmed up through questioning after the narrative. A map of the crime scene is also necessary, including the position of each witness, table, chair, truck, auto, and weapon, showing movement as it took place. It has been observed during role playing interviews that trainees who failed to complete this step of the interview missed much of the necessary information. Listening with time and space in mind is an excellent way of weighing the truth and accuracy of both the witness' and the suspect's versions since lying about time and space is most difficult. It is even more difficult to lie about time and space on review or during a second interview. Many persons forget more easily when they have lied.

Understanding Emotions, Ideas, and Facts

People want interviewers to understand their ideas, emotions, or attitudes. Facts are used only to support their ideas. Allowing a narrative with little interruption allows the witness to give us his ideas and point of view with little distortion.

Another important part of an interview is listening to the questions of the witness or subject. A complaining witness wants to know if the stolen property has been or can be recovered and when and where he might be called to testify. An interviewer who lacks patience and understanding is headed toward an unproductive interview and is creating an obstinate witness.

Nonverbal Messages

Words alone convey only a part of any message. Sixty-five percent of a message is nonverbal.[9] To listen well, the interviewer must expand beyond mere words, gathering meaning from tone of voice, eye contact, facial expression, hand gestures, body language, clothing, and environment.

Emotion and attitude, in particular, are exhibited through nonverbal means and are often difficult to express through words alone. For example, a listener may say, "I'm very interested in what you are saying," but unless these words carry with them the listener's intensity in gesture, tone of voice, eye contact, and body movement, the total message will convey little interest or enthusiasm.

While untrained observers may detect deception by chance, persons in certain occupations seem to develop the ability better than others. Polygraphists often detect deception without their machine through experienced looking and listening. Professional poker players also develop a degree of competency in detecting deception and possess psychological skills that clearly separate them from amateurs.[10]

Although the findings have not always been consistent, researchers have found liars to have higher pitched voices, less eye contact, more hand shrug gestures, less nodding, more speech errors, and a slower speaking rate. Feet/legs are usually the best source of deception cues, the hands next, and the face the poorest.[11] Leakage and deception in the face often come from microfacial movements (about the same time length as an eye blink), which may reflect a spontaneous reaction, only to be followed immediately by a masking facial expression.[12]

While few simple rules can be derived from the considerable literature on nonverbal communication, a listener/interviewer must be aware of nonverbal messages. If deception is seen by the interviewer in a witness' behavior, it is likely to also be seen by a jury during trial.

Departure from the norm may indicate deception. If the normal behavior of the person being interviewed is carefully observed during the initial stages of an interview through routine questions with presumably truthful answers, comparisons can be made to his reactions to later questions designed to further test truthfulness.

Communication research has found human observers to be suspicious of communication that is too strained or too pleasant, where the responses are too long or too short, or where there is "any deviation from a hum-drum response."[13]

Deceptive answers can be expected to show departure from normal behavior. Inconsistency between verbal and nonverbal cues is important, too, such as using polite words in an angry tone of voice. It is difficult to control several different channels of communication simultaneously.

Avoid Advice and Criticism

There is in each of us a terrible temptation to offer advice and criticism. This distorts the information we are getting from a witness or suspect. There are five types of communication that make people defensive—evaluative, control, neutrality, superiority, and certainty.[14] A defensive witness is apt to restrict information or refuse to talk. Communication should be supportive rather than defensive. It should be descriptive rather than evaluative, problem-oriented rather than controlling, empathetic rather than neutral, express equality rather than superiority, and should be a provisional solution, open to change. While there may be times when an investigator needs to make witnesses or suspects defensive, he usually needs to keep the interview open in order to obtain more information, rather than restrict or close it.

Even praise is an evaluation, making it more difficult for a person to express his problems, personal faults, or even a wrongdoing that might otherwise have been confided to an interviewer. A compliment or encouragement, as well as scolding, pleading, or appealing to reason, can create a listening barrier. An interviewer needs to think with a witness, rather than for him. By allowing a person to articulate and examine his own thoughts without evaluation, the listener is acting as a sounding board. The interviewee then begins to see himself in a truer light and becomes more open to disclosing more information.

Paraphrasing

How can an interviewer know that a witness' story has been accurately recorded? Unless an interviewer is adept at shorthand, the notes and what the witness actually said are often very different. We all use different wording to express ourselves, have different perceptions of events, and different priorities, and our own viewpoints frequently find their way into notes taken during an interview. There is one way that much of this distortion in perceptions and change in wording can be overcome. The substance of a witness' testimony can be paraphrased to him until he agrees to what has been written. This method allows a meeting of the minds to take place, the interview should be far more accurate, and the witness is assured that the information has been correctly received. When an interviewer knows that he must satisfy the witness by repeating his thoughts, he is forced to listen well.

A person can't truly paraphrase unless the message has been understood. This takes concentration and forces out distraction. When an interviewer says, "I want to be sure I have this right. What you have told me is this . . . ," both he and the witness will be assured that the story was accurately received. If the facts were incorrectly received the first time, they can be corrected before the defense embarrasses the witness and the investigator during the trial. The interview must reflect in paraphrase form the attitude, belief, content, and emotion of the person interviewed, not the investigator's.

Recording More Than Words

Every message has two components—content and emotion or attitude.[15] Both are needed for total meaning, but many law enforcement

interview reports contain only the content or spoken word. The spoken word gives far less than the full meaning, since much of the emotion or attitude is exhibited not through words but through body movements, facial expression, or voice tone. Bearing this in mind, notes should reflect the emotional as well as factual content. There is nothing wrong with reporting in notes that a witness smiled or frowned as he said something, or that the witness looked downward when telling an important fact. While reaching conclusions as to the meaning of nonverbal action can be risky, describing nonverbal behavior can and does add substantially to the completeness and accuracy of an interview. Yet, few interview reports actually contain more than the words spoken.

Training To Listen

Listening has become an important part of interview and interrogation training of new Agents at the FBI Academy in Quantico, Va. New Agent trainees interview an instructor playing the part of a witness or suspect, while another instructor evaluates the trainee's performance.

Experience has shown the best listeners to be the best interviewers. Role play scripts purposely include unclear or partial information that could not be contemplated in preinterview planning—the interviewer must listen carefully to the witness. Questions to complete the information must then follow. For example, one role playing situation calls for the witness to mention some information but leave large gaps that must be filled. A few names, times, and places are mentioned by the witness without further explanation. Mention of these facts to a good listener triggers necessary questions. In another role play scenario, a bank robbery suspect said, "There weren't any customers in the bank." This lone statement is an excellent admission that a good listener should catch, making a notation of the exact words and testifying to this admission later. Such a slip of the tongue can either lose or win a case, but the statement is brief and can be easily lost if an interviewer is not listening well. Some trainees miss this important information at first, but improve their listening skills through practice.

Poor listeners interrupt; concentrate on questions instead of answers; fail to ask followup questions to clarify what a witness says; are impatient, over-eager, or over-relaxed; have little or no eye contact; and take few notes or notes that do not coincide with the story given. Bad listening habits can be corrected through critiquing role play interviews.

A shorter listening exercise that has proven worthwhile is to have a speaker explain to a listener several happenings that have had profound influence on the speaker's life. The listener then attempts to paraphrase the story to the speaker's satisfaction. Speaker and listener then exchange roles, followed by a discussion of their listening habits. This training exercise can be done in 5 or 10 minutes for each person and is especially useful when it is video taped so that each person may view his own behavior when listening.

Summary

Often, an investigator may not be satisfied that he has obtained enough information or that it has been received accurately. By adhering to a few simple, practical interviewing rules, the completeness and accuracy of interviews and interrogations can be substantially improved. Those who achieve these skills will soon find themselves understanding others better. They may also earn an unexpected dividend—understanding themselves better.

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Footnotes

[1] Proper warning of constitutional rights prior to questioning is an integral part of the listening and questioning process of suspects and subjects.

[2] Elizabeth F. Loftus, Diane Altman, and Robert Geballe, "Effects of Questioning Upon a Witness's Later Recollections," *Journal of Police Science and Administration*, vol. 3, No. 2, June 1975, pp. 162–165.

[3] Ibid, p. 163.

[4] Ibid, p. 164.

[5] Ibid, pp. 162–163.

[6] Ibid, p. 163. Citing Cady, "On the Psychology of Testimony," *American Journal of Psychology*, vol. 35, No. 110, 1924; Whitely and McGeoch, "The Effect of One Form of Report Upon Another," *American Journal of Psychology*, vol. 38, No. 280, 1927; Snee and Lush, "Interaction of the Narrative and Interrogatory Methods of Obtaining Testimony," *American Journal of Psychology*, vol. 11, No. 229, 1941.

[7] Ralph G. Nichols, "Listening is a Ten Part Skill," *Nations Business*, vol. 45, July 1957, pp. 56–60.

[8] Carl R. Rogers and Richard E. Farson, "Active Listening," *Communication and Interpersonal Relations: Text and Cases*, ed. William V. Haney (Homewood, Ill.: Richard D. Irvin, Inc., 1979), pp. 161–175.

[9] Lawrence B. Rosenfeld and Jean M. Civikly, *With Words Unspoken* (New York: Holt, Rinehart, and Winston, 1976), p. 5.

[10] David M. Hayano, "Communicative Competency Among Poker Players" *Journal of Communication*, vol. 30, No. 2, Spring 1980, pp. 113–120.

[11] Mark L. Knapp, *Essentials of Non-verbal Communication* (New York: Holt, Rinehart, and Winston, 1980), p. 140.

[12] Paul Ekman and Wallace V. Friesen, *Unmasking The Face* (Englewood Cliffs, N.J.: Prentice Hall, Inc., 1975), pp. 14–15, 145, 150–152.

[13] Bella M. DePaulo, Miron Zuckerman, and Robert Rosenthal, "Humans as Lie Detectors," *Journal of Communication*, vol. 30, No. 2, Spring 1980, pp. 129–139.

[14] Jack R. Gibb, "Defensive Communication" *Journal of Communication*, vol. 11, 1961, pp. 141–148.

[15] Supra note 8, pp. 166–167.

END