

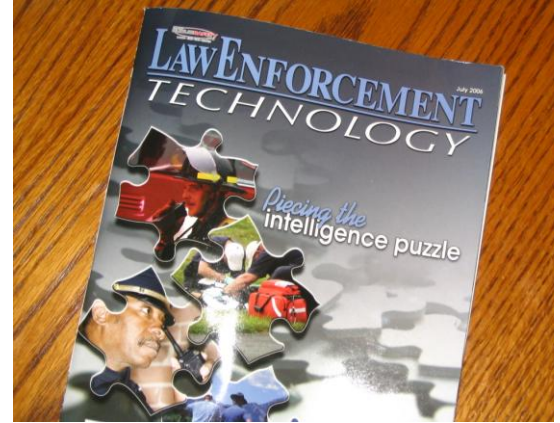
Guilty or Innocent?

Solving crimes with investigative questionnaires

By James W. Bassett

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A common technique for interviewing criminal defendants is to ask them to recount their activities and whereabouts when the crime occurred. Most defendants anticipate this approach. They create pat answers or phony alibis to conceal their guilt. A good example is O.J. Simpson's pat answer for the one question he knew Judge Ito would ask him – "Mr. Simpson, how do you plead?" Simpson's answer was "Absolutely, positively, 100% not guilty, your Honor." The redundancies in his denial undercut the credibility of Simpson's not guilty plea.



An alternative method for interviewing crime suspects is the Crime Questionnaire. This 21-question document is a test for truth and deception, and can be used in tandem with a polygraph or in situations where a polygraph cannot be used.

Whether a suspect is guilty or innocent, most will willingly fill out an investigative questionnaire instead of a polygraph exam. Criminal suspects will often answer an investigator's questions about a crime they are suspected of committing. But asking them to take a polygraph examination frequently causes the innocent – as well as guilty – to demand a lawyer.

Guilty suspects often see investigative questionnaires as less threatening than oral interviews. Guilty suspects appreciate the opportunity to display some degree of cooperation by answering questions in writing about the crime. They are also unaware their guilt can be revealed by their written answers to these questions.

Innocent suspects, on the other hand, are usually eager to demonstrate their innocence, but may fear the polygraph test based on misleading information from the media. Innocent suspects will usually complete investigative questionnaires willingly and confidently. Investigative questionnaires can save investigators time and help solve crimes faster.

And, the Crime Questionnaire shows considerable accuracy in predicting guilt or innocence. In fact, in a recent study, the Crime Questionnaire was administered to 132 criminal suspects prior to these suspects taking polygraph examinations. The questionnaire correctly predicted polygraph

results 84.8 percent of the time. When the child sexual abuse cases in the study were excluded, the questionnaire's success rate rose to 89.2 percent.

These results were achieved from the analyses of the suspects' written answers alone and later confirmed by the volunteer polygraphists who administered the polygraph examinations to the individuals. Thus, the researcher who analyzed the questionnaires had no opportunity to see polygraph results prior to his analysis, nor could he conduct post-test interviews of the criminal suspects who participated in the study.

The questionnaire-based investigation

Clearly, investigative questionnaires, such as the Crime Questionnaire, are an important and effective tool to help investigators solve crimes. These questionnaires typically involve three steps:

- (1) The suspect answers a list of standard questions about the crime – questions he cannot anticipate – in writing.
- (2) The suspect's written answers are analyzed using a scoring system derived from formal research and language analysis techniques.
- (3) The investigator orally interviews the suspect about his written answers that were ambiguous or unique. During this interview, the investigator watches the suspect's gestures, postures and behaviors for indications of truth and deception.

Suspects who read at the fifth-grade level can complete most investigative questionnaires in writing. The average completion time is 30 minutes or less. However, it's not unusual for guilty suspects to take significantly longer if they try to "psych out" the questionnaire.

Format and design of an investigative questionnaire

While there are many possible question-and-answer formats an investigative questionnaire might take, research has shown a combination of the following yields effective results:

- Multiple choice questions with spaces for the suspect to explain in writing his or her answers
- Short essay questions

Below is an example of a multiple choice question along with a suspect's response (underlined):

Q: If they proved in court that you committed this crime, would you say you were sorry?

Answer: Definitely Yes Probably Yes Probably No Definitely No

Please explain: "It would be the right thing to do."

Note this question actually collects three kinds of data – the yes/no answer, the probably/definitely component, and the written explanation.

The yes/no answer is the easiest part of the suspect's response. The probably/definitely component gauges the suspect's degree of confidence in his answer. But, the written explanation is the most important part of the answer because it gives insight into the suspect's interpretation of the question. The explanation lays bare the suspect's thought process and provides a guidepost toward his guilt or innocence.

Short essay questions are less structured than the multiple choice questions but often far more revealing, as shown by the following example.

Q: Suppose you were interviewed by a professional mind reader who could really read your thoughts. Suppose she asked you questions about this crime. What would she know after she finished talking to you?

Answer: *"She would know that I am a good person who tries to do the right thing."*

Hypothetical questions starting with "suppose..." or "what if..." are extremely productive in written questionnaires. Guilty suspects often have trouble dealing with hypothetical questions because they force them to consider the consequences of their crimes.

Innocent suspects, on the other hand, feel no threat and have no problems offering their thoughts about the crime. Many even enjoy playing "armchair detective" and freely offer theories and judgments in response to hypothetical questions.

Benefits of the questionnaire

Stupid crook stories abound. On the other hand, criminal mastermind stories are rare because the term itself is almost an oxymoron. Here's one example: during a lineup, the detective asked each participant to step forward and repeat the threat delivered at the robbery, namely "Give me all your money or I'll shoot!" When his turn came, the third man in line stepped forward and clearly stated, "That's not what I said!"

Some perpetrators actually reveal their guilt on investigative questionnaires as well. Consider the case of Alvin, who often "helped out" at a day care center. A 4-year-old boy reported waking from his nap to find Alvin sexually fondling him. Alvin denied the boy's allegation and agreed to complete an investigative questionnaire. Note Alvin's answer to the following question:

Q: What is your theory of this crime? What do you think really happened in this case?

Answer: *"The kid was sleeping. How could he say it was me? It could just as easily have been some other scumbag."*

Now let's compare Alvin's answer with the one given to the same question by Eugene, an innocent suspect who was accused of fondling a young girl: "I did not touch Denise sexually. I have never done that to any child."

Investigative questionnaires also can be used in situations where polygraph testing cannot (some suspects cannot be polygraphed due to age, physical problems or mental problems).

For example, a convenience store cashier was robbed at gunpoint. The cashier's employer and the store's owner suspected the robbery was bogus. The cashier wanted to take a polygraph examination to prove her innocence, but was ineligible because she was pregnant. She completed an investigative questionnaire, was exonerated, and returned to work.

In another example, a 12-year-old student with Tourette's syndrome was suspected of setting a fire in his school's lavatory. He could not be polygraphed because of his age and physical condition. His questionnaire answers suggested he knew who set the fire. An investigator questioned the boy who reluctantly admitted his best friend had committed the crime.

The benefits of oral questionnaires

Investigative questionnaires also can be administered orally to illiterate suspects, with their answers recorded verbatim. Administering the questionnaire orally can give the investigator the opportunity to customize the questions to the facts of the case, which also can be beneficial, as was the case with Fred.

Fred took his granddaughter for a walk to a neighborhood school. The little girl told her parents that Grandpa took her behind a tree in the school yard and sexually touched her. Fred denied the accusation, but the little girl's parents believed their daughter and filed criminal charges. Fred's attorney sent Fred to an investigator to complete an investigative questionnaire.

At the outset, Fred admitted he could not read. So the investigator read the questions and wrote down Fred's oral answers word for word.

One of the short essay questions in standard written form is "What would you do if a friend told you she heard there was a videotape from a hidden camera showing you in the act of committing this crime?" The investigator rephrased this question to fit the facts of the case. The verbal exchange between Fred and the investigator went as follows:

"Fred, you probably know they have video cameras all over the place now."

(Fred nodded his head and squirmed a little.)

"They're putting surveillance cameras on city streets in high crime areas. They're even putting them around schools."

(Fred squirmed more.)

"They even have surveillance cameras in those satellites that orbit the earth. Those cameras have lenses so powerful they can see the color of the shoes a little girl is wearing."

(Fred sat straight up and gripped the arms of his chair tightly.)

"Suppose I told you there was a videotape from one of those cameras showing you in the act of sexually touching your granddaughter. What would you do?"

(The blood drained from Fred's face until he looked like a ghost.)

After a long pause, Fred finally spoke, "Uh, uh, uh... I don't know! I don't know what to say!"

Suppose this investigative questionnaire had been administered orally by a police interrogator and videotaped with Fred's written consent. Suppose the videotape had been shown to a jury. Could a signed confession from Fred have been any more damning? And it all came from one personalized hypothetical question!

Combining a questionnaire and the polygraph

An investigative questionnaire mentally prepares suspects for polygraph testing. The questionnaire increases the anxiety level of perpetrators while decreasing that of the innocent. Investigative questionnaire answers also provide excellent follow-up questions for polygraph pre- and post-test interviews.

Another benefit of investigative questionnaires is that independent assessments of their results combined with the results of polygraph examinations, when they concur, provide a single result more accurate than either the questionnaire or polygraph alone. If the polygraph is 95-percent accurate and the questionnaire is 85-percent accurate, the error rate of the two tests when they agree would be 5 percent multiplied by 15 percent or .0075. Conversely, their combined result would be correct on 992.5 of every 1,000 cases. Could this be the mathematical equivalent of "guilt beyond a reasonable doubt?"

How it works: a case study

One winter night, Smalltown's hardware store burned to the ground. Fire inspectors determined the fire was arson. An anonymous tipster reported Albert was involved. Albert was questioned, but claimed his friends Ben and Chuck set the fire. Albert admitted driving his friends to the scene, but denied helping them set the fire. The Smalltown police picked up Chuck for questioning. Chuck refused to take a polygraph test, but agreed to complete an investigative questionnaire.

Below are some of Chuck's questions and answers. (His multiple choice answers are underlined.)

Q1: If an experienced investigator talked to you for just a few minutes, could he tell that you did not commit this crime?

Answer: Definitely Yes Probably Yes Probably No Definitely No

Please explain: "My face would give it away."

Q2: Would you consider pleading guilty to this crime if it meant you would NOT have to spend any future time in jail?

Answer: Definitely Yes Probably Yes Probably No Definitely No

Please explain: "I would hate to have that on my record, but I might."

Q3: If they proved in court that you committed this crime, would you say you were sorry?

Answer: Definitely Yes Probably Yes Probably No Definitely No

Please explain: "I knew the owners and was friends with their son."

Q4: Did you have a small part in this crime even though you should not have to take all the blame for it?

Answer: Definitely Yes Probably Yes Probably No Definitely No

Please explain: "I knew they were going to set fire to the building and could not stop them."

Q5: Will your answers to these questions show clearly that you did not commit this crime?

Answer: Definitely Yes Probably Yes Probably No Definitely No

Please explain: "Because I wasn't there when it happened."

Q6: Suppose you were interviewed by a professional mind reader who could really read your thoughts. Suppose she asked you questions about this crime. What would she know after she finished talking to you?

Answer: "She would know I did not break into or set fire to the hardware store."

Q7: How did you feel emotionally when you learned this crime was going to be investigated?

Answer: "I didn't feel bad because I didn't set the building on fire."

Q8: What is your theory of this crime? What do you think really happened in this case?

Answer: "I think Albert and Ben broke into and set fire to the hardware store."

The investigator began the interview by asking Chuck about his explanation to Question 4. Chuck claimed his friends told him they were going to set a "big fire," but he couldn't stop them because he didn't know where the fire would occur. However, the investigator told Chuck he must have known the location of the fire because his answer referred to "the building" rather than "a building." Chuck conceded his friends told him the hardware store was to be the fire site. Chuck then claimed he was afraid to stop them for fear they would retaliate. When asked why he did not report the fire anonymously, Chuck stated he didn't think to do so. He also admitted making no effort to dissuade Ben and Albert from setting the fire.

Chuck's answer to Question 3, like Question 4, is incriminating. Innocent suspects seldom apologize for crimes they did not commit, nor do they consider pleading guilty.

Chuck's answer to Question 5 – "Because I wasn't there when it happened" – would appear to be an alibi, but is not. He could easily have set the fire with a delay device and left the premises before the hardware store erupted in flames. In fact, the arson investigator's report stated a delay device was used to start this fire.

Chuck's response to Question 8 is interesting for two reasons. Earlier in his answers, he claimed to know who set the fire, but he began this answer with "I think..."

In response to Question 6, Chuck added a gem of information that tells us he knew more about the fire than he claimed. His reference to the “break in” of the hardware store introduced a new element. The arsonists did not have to break into the building in order to burn it. They could have set the building on fire from the outside. How did Chuck know the building was broken into if he wasn’t there?

Chuck’s answer to Question 7 – “I didn’t feel bad...” – is also interesting. Question 7 does not ask him how he didn’t feel. It asks him how he did feel. Therefore, his answer is unresponsive to the question.

Chuck’s answers confirmed his participation in setting the fire. When confronted with his answers on his investigative questionnaire, Chuck confessed he and Ben had set the fire.

Analyzing the answers

Formal training is required to interpret investigative questionnaires. By comparing a suspect’s responses to a database of answers given in confirmed criminal cases, the analyst determines whether or not the suspect committed the crime. Language analysis principles are used to assess the truthfulness of ambiguous or unique answers not found in the database. A formal scoring system is employed to determine truth or deception.

A case for you to “solve” (sidebar)

Alice works for a finance company handling cash payments from customers. She was one of two employees who had access to a stolen \$1,800 cash payment. Read the questions below and Alice’s answers. (Alice’s multiple choice answers are underlined.) See if you can determine whether or not Alice stole the missing deposit.

Q: Do you have any idea how the results would come out if you took a police lie detector test about this crime?

Answer: Definitely Yes Probably Yes Probably No Definitely No

Please explain: “I am innocent and the test will prove it.”

Q: Would you consider pleading guilty to this crime if it meant that you would not have to spend any future time in jail?

Answer: Definitely Yes Probably Yes Probably No Definitely No

Please explain: “I did not and would not steal from my job.”

Q: Suppose you are charged with this crime and the case goes to court. If you had the chance to tell the judge anything you wanted to tell him, what would you say?

Answer: “I did not do this. I am innocent.”

Q: How did you feel emotionally when you learned this crime was going to be investigated?

Answer: "Relieved and relaxed. People will finally quit suspecting me."

ANSWER to "A case for you to solve"

If you think Alice did not steal the missing money, you're right. Alice's co-worker confessed and returned the money to their employer.



James Bassett has been a polygraph examiner in private practice since 1972. He is the author of several investigative questionnaires described on his Web site www.TheftStopper.com. He offers training to qualified investigators interested in becoming certified investigative questionnaire analysts. He can be reached via email at LJBassett2@aol.com or by phone at 1-800-543-8811.