The Art of the Inquiry:
The LAPD's Journey with Science-Based Interview Techniques

AUTHORS
Usha Sutliff
Mark Severino

AUBURN UNIVERSITY
CENTER FOR CYBER
AND HOMELAND SECURITY

The Los Angeles Police Department's (LAPD's) foray into the world of science-based[1] interviewing began as many good crime stories do – with an unsolved murder and a suspect the cops couldn't crack. In a plot twist worthy of a Hollywood movie, the crime in question also involved a dismembered body and a case gone cold after two years with no arrest. Into the breach stepped two veteran detectives from the LAPD's Robbery-Homicide Division (RHD). They were the first local law enforcement officers in the country to be trained in science-based interview methods that, in many ways, turned the age-old approach to police interviewing on its head. What follows is an exploration of what these methods have meant for one of the nation's leading police departments and what the implications are for the rest of American law enforcement.

First, the crime story. In January 2012, the head of Hervey Medellin, a flight attendant in his mid-60s, was found by a dog walker and a golden retriever near the famed Hollywood sign. A more extensive search by coroner's investigators uncovered plastic bags containing two feet and a hand and, separately, a second hand. As the investigation progressed, RHD detectives homed in on Gabriel Campos-Martinez, Medellin's roommate and lover. Despite Campos-Martinez having researched an article titled, "Butchering of the Human Carcass for Human Consumption[2]," in the days leading up to the grim discovery, detectives could only gather circumstantial evidence against the man. He left the state and the case went cold until detectives, seeking a new approach, asked RHD detectives Greg Stearns and his partner, Tim Marcia, to take a crack at an interview using techniques they had just acquired from the High-Value Detainee Interrogation Group (HIG).

The HIG, administered by the Federal Bureau of Investigation (FBI) in partnership with the Department of Defense (DoD) and the Central Intelligence Agency (CIA), was formed in the wake of political and public outcry about the use of enhanced interrogation techniques on terrorism suspects by some U.S. military and intelligence interrogators at black sites and prison/detention facilities such as Guantánamo Bay (Cuba) and Abu Ghraib (Iraq). In January 2009, then-President Obama issued Executive Order 13491, which called for the formation of a Special Interagency Task Force on Interrogation and Transfer Orders[3] that would, as part of its mission, study and evaluate whether " … the interrogation practices and techniques in Army Field Manual 2 22.3, when employed by departments or agencies outside the military, provide an appropriate means of acquiring the intelligence necessary to protect the Nation,

---

[1] Science-based interviewing refers to the principles, strategies, and tactics of interviewing that have been developed and examined in empirical experiments and field validation studies. The key components of this approach include: thorough preparation on the part of an interviewer in advance of an interview; thoughtful preparation of the environment in which the interview will take place; a dynamic that emphasizes active listening rather than talking on the part of the interviewer; the use of specific techniques such as open-ended questioning to elicit accurate memories and information; and an approach to detecting deception that focuses on the suspect's narrative versus non-verbal indicators.

[2] Winton, Richard. "Man gets 25 years to life in Hollywood sign body parts murder." Los Angeles Times (Los Angeles). November 16, 2015. https://www.latimes.com/local/lanow/la-me-ln-life-in-hollywood-body-parts-case-20151116-story.html.

[3] Office of the Director of National Intelligence. Ensuring Lawful Interrogation. Executive Order 13491. Washington: Federal Register, Vol. 74, No. 16, January 27, 2009, Section 5. https://www.dni.gov/index.php/ic-legal-reference-book/executive-order-13491

and, if warranted, to recommend any additional or different guidance for other departments or agencies; … [4]" In August of that year, the task force recommended to the Obama Administration that a special interrogation group, the HIG, be created to ensure that interrogations from that point on were conducted in a way that would "strengthen national security consistent with the rule of law."[5]

The task force made specific recommendations that provided the broad strokes outline of the HIG's activities. One of them paved the way for the HIG's eventual overtures to the LAPD and other local law enforcement agencies: " … [The] Task Force recommended that a scientific research program for interrogation be established to study the comparative effectiveness of interrogation approaches and techniques, with the goal of identifying the existing techniques that are most effective and developing new lawful techniques to improve intelligence interrogations."[6] This HIG research program and the training that grew out of it laid the foundation for the techniques that detectives Stearns and Marcia would employ as they sat in a Texas hotel room with Campos-Martinez, who left Los Angeles to start a new life in San Antonio.

Taking a page from the HIG's playbook, Stearns recalled the intensive planning and preparation he and Marcia did before sitting down with Campos-Martinez that afternoon. They purposely met in a hotel room versus a more formal setting. The detectives offered the suspect a warm beverage, coffee. Through these techniques and others, they established a rapport with Campos-Martinez and carefully had him walk them through his memories of Medellin, at some points asking him to close his eyes, from the early days of their relationship to when Medellin was last seen – all techniques that have been meticulously studied and confirmed as effective by the HIG's behavioral scientists, a global network of researchers and, in the field, interrogators. In contrast to conventional practice, the detectives' objective was not to obtain a confession. Instead they sought to elicit new information from Campos-Martinez that would hopefully revive the now-cold case. Campos-Martinez told the detectives at the outset that he only had about 30 minutes to talk; he ended up staying about five hours. During that time, Stearns and Marcia listened carefully for another mainstay in the science-based approach – "checkable," or verifiable details – and picked up on the clue that would end up advancing the case: Campos-Martinez talked about a plant called Datura[7] that could be toxic and could potentially be used to incapacitate someone. The RHD investigative team followed up on that detail and Campos-Martinez was eventually sentenced to 25-years-to-life

[4] Ibid, Section 5, (e) (i).

[5] U.S. Department of Justice, "Special Task Force on Interrogations and Transfer Policies Issues Its Recommendations to the President," published on August 24, 2009. https://www.justice.gov/opa/pr/special-task-force-interrogations-and-transfer-policies-issues-its-recommendations-president

[6] Ibid

[7] Kolker, Robert. "Nothing But The Truth, A radical new interrogation technique is transforming the art of detective work: Shut up and let the suspect do the talking." The Marshall Project. May 24, 2016. https://www.themarshallproject.org/2016/05/24/nothing-but-the-truth

for the murder of his lover – a successful outcome and a validation of the techniques that had been used for the first time in an American criminal case[8].

The HIG made a more formal offer to the LAPD in 2015: We will offer you HIG training on the methods that have been researched that are backed by empirical data. In return, you will provide the HIG with the opportunity to further our research mandate by providing video and/or audiotapes of interviews of real interrogations from LAPD cases that have been adjudicated. The HIG's objective was to provide the training and then have researchers study and code[9] videotaped interviews conducted before and after the training so the use and efficacy of the specific techniques could be catalogued; the term of art in the science world is "field validation." To date, more than a hundred LAPD detectives from the Robbery-Homicide Division and the Major Crimes Division have received training on these science-based interview methods from the HIG, according to Stearns and Severino, this Brief's co-author. Over time, this arrangement has also built a bridge between the LAPD's investigators and the global community of scientists who are exploring these techniques. These relationships have led to new avenues of research for the scientists and a clearer understanding of the science by the investigators.

This science-based interviewing-LAPD engagement is far from the first intersection between science and law enforcement. Police agencies around the world have embraced innovative scientific techniques in areas such as forensics (e.g., DNA analysis, ballistics, the collection and analysis of crime scene evidence), crisis negotiation and officer wellness (e.g., clinical psychology informing assessment and treatment). An area of American policing that has remained relatively uninfluenced by science-based techniques – meaning techniques that have been scientifically studied and are empirically validated – is law enforcement interrogations[10]. While the terms interview and interrogation are both commonly used in police vernacular and sometimes interchanged, this article will use the term interview.

Law enforcement interviewing, particularly in the context of investigations, is an area of American policing that is heavily influenced by the culture and mores of an individual organization, the knowledge that is passed down from cop to cop, the experiences and learning curves over time of individual detectives, the short courses – sometimes merely hours – of interview training during detective school and from outside entities, the checklist- or template-based approaches to interviewing, and, last but not least, the legal restrictions and requirements imposed at the federal, state and department levels. The one thing investigative interviewing has not been heavily influenced by until now is science and the careful study and validation of whether, or how, techniques used in an 8- by 10-foot police interview room work. This is a curious gap for a culture that often requires validation of the effectiveness of everything from software to police gear before it embraces its usage.

---

[8] Kolker, Robert. "A Severed Head, Two Cops, and the Radical Future of Interrogation." Wired. May 24, 2016. https://www.wired.com/2016/05/how-to-interrogate-suspects/

[9] The researchers systematically identified and logged specific behaviors.

[10] Police forces in the United Kingdom and Canada have both dedicated resources to the study and usage of the PEACE model of investigative interviewing. This model includes five steps: preparation and planning, engage and explain, account, closure and evaluation.

Ironically, investigative interviewing carries some of the greatest legal and reputational liability for agencies and yet there remains very little standardization, monitoring or validation of existing practices. Layered over this multi-faceted process of learning is the way many cops have been trained to comport themselves both in and out of the interview room – be in control, be guarded and, when it comes to an interview, presume guilt and minimize the seriousness of the suspected offense in order to get a confession – an approach that has resulted in the use of confrontational methods and, in some cases, false confessions.

When the HIG ramped up its training efforts with the LAPD in 2015, the federal entity's instructors and the methodologies they taught ran smack into all of these dynamics. For the detectives who experienced the training, some aspects of the science-based approach ran completely counter to what they had been taught throughout their careers and even the role they thought they were supposed to play as interviewers. Veteran sex crimes Detective Ninette Toosbuy, who recently retired from the LAPD, remembered her first impressions of the HIG-sponsored course on science-based methods. "The first gut reaction was this won't really work with our types of cases," she said. "I think that, at the time, the idea of not being able to confront your suspect with your accusation or allegation seemed really foreign and it seemed like, 'Where do you go from there if you can't confront?'." The material also seemed very academic with techniques taught in ways that weren't translated directly into an operational law enforcement context. This led to an initial lack of common lexicon between the instructors and the cops.

The training also held other surprises for the cops:
- non-verbal indices of deception that they had traditionally been told were solid – lack of eye contact or fidgeting during an interview – were not validated by science, they learned;
- the focus during a science-based interview was not to elicit a confession but instead to gather information and facts about a crime or suspect that could be checked later to advance the existing investigation, inform an old (or new) one or exonerate a suspect;
- putting time and effort into planning and preparation for an interview was as important as the interview itself;
- every word in an interview counted and there was no such thing as "idle chatter"; and
- stepping out of "cop mode" to become a good, active listener and even empathizer (on the surface) with a suspect was one of the keys to building rapport.

In short, the emphasis in the science-based approach was on finding the truth of the matter versus closing the case and getting the arrest. That is not to say that detectives have not been interested in the truth; rather, the emphasis has traditionally been on driving investigative activities, including the interviews with a suspect, toward a confession.

For busy detectives under immense pressure to solve cases, many aspects of these approaches were foreign. Others validated techniques that detectives had learned along the way and considered common sense, like knowing that treating suspects with respect and using a non-confrontational approach got suspects talking.

The "aha" moment for Toosbuy came after she delved into the open-source research that backs these techniques. For example, she read up on the use of the Tell, Explain, Describe (TED) technique. "Once I started deploying TED with victims and suspects, I started seeing how I obtained more detailed information and much richer information from the parties that I interviewed," she said. "What would happen with that victim was that he or she would provide details that may be irrelevant to the specifics of the alleged crime but those details, if later corroborated by the suspect, would solidify the confession. The other thing [the TED technique] did was help enhance people's ability to recall."

Toosbuy, who was the lead instructor on interview and interrogation for the LAPD before her retirement, said she changed her approach to interviewing and revamped the department's curriculum. By casting a wider net during an interview than the traditional "what, where, when" questions, Toosbuy said she developed "greater rapport," which led to more information that was useful to her cases.

"[B]y letting them talk and by showing interest in the narrative … you convey that you really care about what they're telling you and that makes people, subconsciously, want to tell you more," she said. Often, she added, officers and detectives "wear [their] emotions on [their] sleeves. [If] we have contempt, we treat the suspect accordingly. If we do that, nobody is going to want to talk to you. … No matter how wretched a human being that person may be, if you treat them with respect, the likelihood of [the suspect] telling you what he did will increase tremendously."

Her revamp of the department's interview and interrogation curriculum included teaching her students not to rely as much on body language and verbal cues to "supposedly detect deception," she said, and to phrase questions in a way that was much more open-ended, geared toward helping victims, witnesses and suspects alike with their memory recall, and punctuated by pauses when the interviewers would simply listen.

The science-based methods' collective emphasis on getting to the truth, Toosbuy said, provided the greatest potential value for law enforcement. "I think we would see an increase in successful investigations, meaning getting closer to the truth," she said. "In some instances, we would be able to get charges filed on cases that currently we are not getting filed on and we would, in some cases, be able to exonerate the suspect." Toosbuy said she thinks the way forward for science-based methods is "not just to teach but to show. When you show that it will make you better as a detective and better as a cop, there is [how] you're going to [effect] change."

According to the authors of this Brief, the benefits of the science-based techniques also include:
- a greater understanding of the importance of looking for cues of truth-telling as well as searching for cues of deception;

- the critical importance of developing rapport, which at its foundation enables a sense of autonomy in a suspect, and how that rapport can overcome resistance and the withholding of information;
- the development of insights into areas relevant to threat assessment such as a suspect's future intentions;
- a new awareness of the resources available to law enforcement from the research community; and
- how a science-based understanding of memory recall aids in investigations.

This search for the truth versus the obtaining of a specific outcome is the foundation of the science-based methods, according to Steven Kleinman, a veteran military interrogator[11] and outspoken critic of enhanced interrogation techniques who serves as chair of the HIG's Research Committee[12]. "Law enforcement has essentially rewarded a certain style of interviewing with an emphasis on eliciting a confession," said Kleinman, who was part of the HIG's cadre of instructors who taught the LAPD detectives. "To have a cultural change is to uncover the truth. … There's a big cultural shift." Law enforcement culture currently "assumes that at some point you've mastered the skill and there's nothing more to learn," he added.

What the science-based methods do not offer law enforcement is a template, Kleinman said. Instead, what they collectively offer is "an empirical vehicle [and an] increasing understanding of what goes on in an interview based on data and not just that someone has done this for 20 years."

"That's the value. It's helping them improve practice with a more objective, systematic way to look at what they do," he said. "People's civil liberties are at stake and the trust people have in their police department. Each false confession has such a crushing effect on a community." Ultimately, Kleinman added, "there are no shortcuts" when it comes to interviewing.

The integration of science-based interview methods into state and local law enforcement culture may face an uphill battle on several fronts, according to the detectives interviewed for this Issue Brief and the authors of this Brief. There is the aspect of appearing that one is "trying to shove PC [political correctness] down a cop's throat," the perception that rapport-building would be "touchy feely" or take too much time during a fast-moving investigation, the reliance on a more collaborative approach (between detectives and their support teams) to the interview, and importantly, the idea that cops may believe that they already know what they need to know when it comes to interviewing. As Stearns put it, "[E]very cop thinks they know how to talk to anyone and if someone won't talk, they'll just say, 'Well, that guy's an

---

[11] Mr. Kleinman, a retired colonel, served as the director of the U.S. Air Force strategic interrogation training program. A career intelligence professional, he was the first military officer to speak out against the interrogation methods he witnessed in Iraq during the early years of the war and their impact on the interrogators' ability to gain accurate, timely and actionable intelligence.

[12] The HIG's Research Committee is an informal group of individuals from non-governmental organizations, government, and academia who meet occasionally with HIG staff to discuss the state of the science on interviewing, according to the HIG.

[expletive]. That's probably the biggest step forward, is that there are new things to learn in interview and interrogation."

The authors of this Brief see a path forward for science-based interviewing techniques that would involve a clear, operationally relevant translation of these methods for a law enforcement audience and expanded access to training in these techniques. As a complement to these activities, it would be beneficial to identify a way to bring law enforcement professionals from across the country together to discuss best practices in interviewing and identify areas that could be strengthened by these science-based techniques. In the opinion of the authors of this Brief, a critical ingredient of any attempt to influence existing law enforcement interview techniques would be an approach that emphasized having science-based techniques supplement, rather than supplant, existing interview methods. Cops would also have to be shown specifically – using real-world cases – how these techniques work and why they should be considered. Finally, as an outgrowth of the existing body of scientific research on these techniques, it will be important to identify ways to study them in context (e.g., as applied by law enforcement) to further examine their efficacy and true value to the field of police interviewing.

From the HIG's perspective, the methods that have come out of this global, years-long research effort may have been proven to work by the research findings but there is a long way to go before they have a lasting effect on law enforcement culture. Dr. Joeanna Arthur, who headed the HIG's research arm from late 2017 to early 2019, said she thinks there is a "serious need to modernize training" for law enforcement, particularly when it comes to areas like detecting deception. "We do have a long road ahead in terms of changing the culture," she said. When asked about the return on investment for the HIG, Arthur said, "LAPD really offered an operationally relevant context where the HIG could test and evaluate [science-based techniques]."

Dr. Debbie Frankfort, who took the helm of the HIG's research arm as program manager in 2019, said that the LAPD-HIG partnership has "opened up the dialogue between academia and practitioners" and given the research community more ideas about potential field applications. "Part of the return on investment is that we see … the science-based, rapport-based, non-coercive techniques being applied [in the field]," Frankfort said. "We're seeing it work in routine daily contact. Beyond that, the relationship with the LAPD and other local law enforcement gives us the opportunity to have this feedback loop between practitioners and the HIG." Frankfort said that seeing science-based interview training implemented on a national scale "would be great." "When we have an organization like the LAPD that is a standard that everyone looks to and they're using it and getting successes from it, it helps to change the culture nationally," Frankfort said.

Policing in the 21st Century requires law enforcement agencies to continuously assess their approaches to virtually every aspect of their business. It stands to reason that a high-profile and potential high-liability area like investigative interviewing should be included in this process.

Whether a national cultural change in law enforcement interviewing will happen remains to be seen but, in the interview rooms at the LAPD, those changes are happening incrementally day by day. As of this writing, the department has used these science-based interview methods on major cases with measurable success. It also now regularly uses science-based techniques during interviews conducted by select units that, for the purposes of protecting LAPD's tradecraft, will not be detailed here. It is the opinion of the authors of this Brief that, ultimately, cultural change will require a more holistic translation of science-based methods to the operational environments of local law enforcement, and an approach that does not intend to supplant existing interview methods and approaches but rather supplement them. Ultimately, the way to change culture in law enforcement has always been to "show it, don't say it." Case by case, interview by interview, these methods will lead to change only when they meet the real-world laboratory of American law enforcement and are shown to be effective.

The opinions expressed herein are those of the authors alone.

About the Authors

Usha Sutliff is a Senior Fellow at the Center for Cyber & Homeland Security. A government consultant, Ms. Sutliff specializes in homeland security, cybersecurity governance, counter-terrorism, intelligence and law enforcement. Before entering the government sphere, Ms. Sutliff worked as a print journalist who specialized in science and medical coverage. Since 2006, she has worked with the LAPD's Counter-Terrorism & Special Operations Bureau in a number of capacities and has been a Specialist in the LAPD Reserve Corps assigned to the Major Crimes Division for more than a decade. The opinions expressed in this Issue Brief, which was prepared in her capacity as a Senior Fellow at CCHS, are her own and do not reflect the views of her clients or affiliated organizations.

Mark Severino is a 33-year veteran of the LAPD and is currently a Detective Supervisor for the Department's Transnational Organized Crime Section in the Major Crimes Division. Detective Severino's expertise consists of traditional and non-traditional investigative strategies and methods that include undercover platforms/operations, covert operations, and science-based interview protocols. Detective Severino is frequently asked to assist the Federal Bureau of Investigation (FBI) in counterintelligence, counter-terrorism and organized crime investigations. The opinions expressed in this Issue Brief, which was prepared in his personal capacity, are his own.

About the Center

The Center for Cyber and Homeland Security at Auburn University is a nonpartisan think tank that works to develop innovative strategies to address current and future threats to the United States. We convene leading experts and practitioners for executive-level events, publish policy-relevant analysis, and provide expert testimony to Congress on critical issues and challenges related to cybersecurity, critical infrastructure, counterterrorism, and homeland security. The Center is part of the McCrary Institute for Cyber and Critical Infrastructure Security, and drives the policy component of the Institute's work.

AUBURN UNIVERSITY

CENTER FOR CYBER
AND HOMELAND SECURITY

🌐 cchs.auburn.edu

🐦 @AuburnCyber