

eaders of law enforcement agencies regularly interact with the media, establish various policies and regulations, and often are required to discuss or justify reallife police practices. To this end, defining and understanding the term *interrogation* has become important to the profession for several reasons.<sup>1</sup>

## **Various Perspectives**

The mention of interrogation often generates images of torture or unpleasant conditions, despite the fact that these depictions do not represent the overwhelming majority of current police interrogations. When officers testify in court and mention interrogation, jurors and other fact finders often associate

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the word with harsh and illegal police behaviors, even though it is highly unlikely that such actions actually occurred.

Additionally, interrogation has distinctive meanings in different settings. Although contemporary law enforcement usage of the word implies an interaction between officers and suspects, it also can include victims and witnesses reluctant to be forthcoming with information. The term *interview* generally is associated with victims, so the phrase *interrogate a victim* may sound objectionable but prove completely appropriate if applying a dictionaryderived definition.

Finally, the ambiguity between the two words can cause confusion, which law enforcement administrators may find advantageous. For example, during a police department's media conference, officers might mention that they conducted an investigative interview with the husband in a high-profile murder case. Using a description often associated with victims, witnesses, and suspects could reduce speculation that they consider the husband a suspect. The word *interrogation* likely would result in the follow-up question, Did he confess? At this point in the investigation, the chief may not want to reveal either the presence or absence of a confession or whether the department suspects the husband of any wrongdoing.

## **Multiple Interpretations**

Understanding interrogation can be problematic because more than one entity refers to the word (e.g., popular culture, lexical, criminal justice, legal, and international bodies). Real and fictional events viewed by the general public create the popular-culture interpretation and may evoke negative images of law enforcement or military personnel as hard,

unpleasant, remorseless, or unkind to another person (e.g., the representation of a bright light shining into a suspect's eves while the interrogator towers above in an otherwise dark room or the use of military police dogs terrorizing prisoners prior to an interrogative encounter). Interrogators often are portrayed flaunting large firearms in fully exposed shoulder holsters and degrading or undermining suspects' dignity by employing psychological stress, physical exhaustion, or torture. An accurate depiction of a real-life interrogation does not involve these theatrical images.

A logical step in defining words begins with the exploration of their lexical properties. Interrogation is derived from the Latin roots inter (in the presence of) and *rogre* (to ask) and simply means to question formally and systematically.<sup>2</sup> There are no nefarious connotations, elements of torture. or illegal activities associated with the action of interrogation. In fact, officers could correctly report that they have interrogated a victim, although the word *interviewed* is more popularly accepted.

In the U.S. criminal justice community, the prevalent use of the term *interview* typically is associated with compliant, nonproblematic victims, witnesses, complainants, and even suspects, while the word





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*interrogation* usually relates to suspects who are noncompliant and problematic, generally meaning deceitful or hostile. Law enforcement training often is divided into an interview section and an interrogation one simply to differentiate between conducting interviews with compliant persons and handling interrogations with those reluctant to divulge information.

In many countries, as well as some places in the United States, the various components of the criminal justice system have begun to use the term *investigative interview* in lieu of either *interview* or *interrogation*. This phrase refers to any police-citizen encounter in which officers obtain information, regardless of levels of cooperation, resistance, or intent.

*Interrogation* also has a legal definition valuable to understanding, interpreting, and applying case law in the United States: "In criminal law, a process of questions propounded by police to a person arrested or suspected to seek solution of crime. Such person is entitled to be informed of his rights, including the right to have counsel present, and the consequences of his answers. If the police fail or neglect to give these warnings, the questions and answers are not admissible in evidence at the trial or hearing of the arrested person."<sup>3</sup> From a legal perspective, interrogation

is questioning, or the functional equivalent, likely to produce incriminating statements. It would be inappropriate for any law enforcement officer to selectively use the popular culture, lexical, criminal justice community, or legal definition simply to thwart legal thresholds or requirements. For example, officers should not suggest that they were not required to provide a suspect in custody with Miranda warnings because they were conducting an interview, rather than an interrogation,

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where the dialogue represented more of a conversation in which facts were elicited than a formal examination through questioning. This idiomatic tactic undermines the legal definition of the word. In fact, the courts have defined *custodial interrogation* as "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom in any significant way."4 Interrogation is not only related to direct questioning intended to produce incriminating statements but also to the functional equivalent of direct questioning, words, or actions by officers who should know that they are likely to elicit an incriminating response from a suspect.<sup>5</sup> *Investigatory interrogation* is legally defined as "questioning by police in a manner that has not reached an accusatory stage and where such persons are not in legal custody or deprived of their freedom in any significant way."6 Investigatory interrogations fall outside the scope of the Miranda decision.

On an international basis. the words interview and interrogation are not universally applicable, which may cause confusion. In some countries, other terminology often is used. For example, in France, the functional equivalent of a U.S. witness interview is referred to as the taking of testimony, whereas in the United States, testimony generally is associated with oral statements given during judicial proceedings. In France, an interview denotes encounters with the media, not law enforcement. U.S. officers seeking the assistance of foreign agencies can find themselves in a quandary when communicating their requests and not understanding the regional application of the two words.

## Conclusion

Members of the law enforcement and legal communities should remain cognizant of the complexities related to defining interrogation and be able to accurately explain it within several different contexts. Attempting to influence the public's perception of real-life law enforcement interrogations would entail a monumental task. However, officers should prove well versed in defining and describing an accurate depiction of interrogation. Situations may arise when a defense counsel cross-examines an officer in front of jury members, most of whom will have developed their perception of interrogation from media accounts. Law enforcement administrators who know how to accurately define interrogation can assist when interacting with the media; developing department policies, procedures, rules and regulations; or simply trying to explain real-life police practices.

## Endnotes

1 For additional information, see David Vessel, "Conducting Successful Interrogations," *FBI Law Enforcement Bulletin*, October 1998, 1-6.

<sup>2</sup> Merriam-Webster's Collegiate Dictionary, 11<sup>th</sup> ed., s.v. "interrogation." <sup>3</sup> *Miranda v. Arizona*, 384 U.S. 436.

<sup>4</sup> *Miranda v. Arizona*, 384 U.S. 436;

- Brewer v. Williams, 430 U.S. 387. <sup>5</sup> Rhode Island v. Innis, 446 U.S. 291.
- <sup>6</sup> *State v. Prince*, 233 Kan. 706, 664 P.2d 869, 874.

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