

## "If They Knew What I Was Thinking:" What Sex Offenders Can Teach Us About Interviewing

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## Why Do We Need Sex Offenders To Admit?

- ◆ **Children (victims) suffer less.**
  - Less guilt/self-blame
  - Less need to testify
  - Family more supportive
- ◆ **Victim and offender can start treatment from a better place.**
  - Increase offender accountability, surveillance and relapse prevention techniques.
  - Reduce risk in future "safety planning" or family reunification.

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## System Benefits

- ◆ "Confessions have a greater impact on jury decisions than witness statement or even, hard physical evidence." (Kassin & Kneuman, 1997)
- ◆ Confessions were one of the primary reasons for charging in 37% of cases (Gray, 1993).
- ◆ Result in more "guilty" pleas and convictions.
- ◆ Reduce the use of valuable resources by police and court systems.

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## Improving Offender Accountability

- ◆ **Do you know what your confession rate is?**
- ◆ **Are you tracking it?**
- ◆ **Why not?**
- ◆ **What would it take to start?**

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## Confession Rates

- ◆ Confessions rates for **general crimes 42% to 55%** (Kassin & Gudjonsson, 2004).
- ◆ Confessions rates for **child sexual offenders range from 21% to 37%**.
- ◆ Reduction probably due to increased shame involved in crime and need for specialized interviewer skills.
- ◆ Advanced age, experience with criminal justice system, and generic criminality decrease confession rates.

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## More Studies

- ◆ Confessions more likely when offender was White, single, had a higher IQ, expressed feelings of guilt, had a dependent personality, and "seduced" as opposed to violently offended child victim (St Yves, 2002).
- ◆ Found that child molesters were more likely to confess than rapists or violent child molesters (Gudjonsson & Sigurdsson, 2000).

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## *Confessions by Sex Offenders* (St. Ives, 2006)

- ◆ Low rate of confessions due to nature of specific personal consequences to individual offender.
- ◆ **Obtaining the confession requires that officers reduce these barriers.**
  - **Introverted offenders** = feelings of shame, loss of self-esteem and humiliation.
  - **Extroverted personality type** = public image and reputation
- ◆ Confessors perceived the interview as “**humane**” and the officer as displaying “**empathy.**”
- ◆ Deniers described the interview as “oppressive” and the officer as “confrontational.”

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## *Interactions Between Factors Related to the Decisions of Sex Offenders to Confess During Police Interrogations* (Beauregard, et al. 2010)

- ◆ 624 sex offenders in Canadian prison system.
- ◆ 39% CM, 25% Rape III, 36% Rape/Sex Assault.
- ◆ Average age = 39.
- ◆ Average prison sentence = 4.2 years.
- ◆ **30.6% were sexual recidivists.**

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## *Interactions Between Factors Related to the Decisions of Sex Offenders to Confess During Police Interrogations* (Beauregard, et al. 2010)

- ◆ 43% confessed, 57% did not.
- ◆ Found that offenders were more likely to confess if they were:
  - Introverted (avoidant, dependent, passive-aggressive)
  - Specialists (sex offenders vs. general criminals).
  - Had deviant sexual fantasies prior to offense.
  - Had male victims, and/or the victim came from “criminal environment” (child was being neglected or maltreated by own family, living in poverty, parents were criminals, etc.)

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## *Understanding the Psychology of Child Molesters: A Key to Getting Confessions* (O’Conner & Carson, 2005)

- ◆ Interviewed 45 incarcerated child molesters
- ◆ 36% confessed, 64% hadn’t.
- ◆ Officers who exhibited “decency, patience, composure, and professionalism” had been more likely to elicit confessions.
- ◆ Offenders reported that they knew “within seconds,” whether or not “there would be rapport, or honest conversation.”
- ◆ Results suggested that police should use a “pseudo-therapeutic approach” to interviewing.
  - “non-threatening,” “non-judgmental,” and “empathetic.”

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## *An Investigation into the Effective and Ethical Interviewing of Suspected Sex Offenders* (Kebbell, Hurren and Mazerolle, 2006)

- ◆ 19 incarcerated sex offenders.
- ◆ 17 confessed, 2 didn’t.
- ◆ Semi structured interviews.
- ◆ Participants more often confessed if they thought they would receive “**a more lenient**” sentence.
- ◆ Results supported the use of “**fair, compassionate, non-aggressive and honest**” interviewing procedures.
- ◆ Interviewer dominance associated with a reduction in confession rates.

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## *An Investigation into the Effective and Ethical Interviewing of Suspected Sex Offenders, Cont.*

- ◆ Subjects were impacted by **minimization** (“it’s not like you killed her” or “other people have done things that are much worse”) and **maximization** (“at least you are standing up and taking the blame like a man” or “you might have touched the kid inappropriately, but admitting it now will help them get over it”).
- ◆ Displaying an understanding of “**cognitive distortions**” (“you just got too close to the kid and were showing the kid how much you loved them”) led to increased effectiveness in interviewing.
- ◆ **Empathy** (“I know you didn’t mean to hurt them” or “I know how hard this must be for you”).

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## *An Investigation into the Effective and Ethical Interviewing of Suspected Sex Offenders, Cont.*

- ◆ Confessors perceived the interviewer:
  - To be “ethical.”
  - Perceived the interviewer to have displayed more “humanity.”
  - Perceived the interviewer to have displayed “less dominance.”
  - Perceived that there was “more evidence” against them.
  - Accuracy of evidence played a significant role.

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## Wording is Everything (Jim Starks)

- ◆ Don’t use accusatory/legal words such as sexual abuse, sexual assault or rape.
  - “Did you have oral sex with her?”
  - “Did you put your penis in her mouth?”
  - “Did she put her mouth on your penis?”
  - “Did she kiss your penis? “

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## *Confronting the Sex Offender – The Final Investigate Step (Duehn, 1998)*

- ◆ Time played a role in confessions rates
  - 22% if suspect interview took place 2 to 3 days after child’s disclosure
  - 72% if interview took place within 24 hours.

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## *What Sex Offenders Can Teach Us About Interviewing (Jewell Jensen & Krummenacker, 2008)*

- ◆ **Part I**
  - ◆ 112 paroled adult male sex offenders.
  - ◆ Most served 12 months to 8 years
  - ◆ 25% served 8 to 20 year.
- ◆ **Part II**
  - ◆ 26 Police Officers
  - ◆ 9 LEA
    - Clackamas County Sheriff’s Office
    - Dept. of Justice
    - Gresham Police Department
    - Lake Oswego Police Dept.
    - Linn County Sheriff’s Office
    - Marion County Sheriff’s Office
    - Newberg Police Department
    - Portland Police Bureau
    - West Linn Police Department

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## “Admitters”

- ◆ Said officer was “calm” and “business like.”
- ◆ Officer treated them “with respect.”
- ◆ Helped them appreciate the need to tell the truth.
  - “Be a man” and do the right thing.
  - Less harm to victim/family.
  - Might get a “better deal.”
- ◆ Made them believe there was “enough” evidence.

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## Comments

- ◆ “They had so many details about what happened, there just wasn’t much point in lying.”
- ◆ “They talked to me like I had a regular problem.”
- ◆ “He told me I would get help.”
- ◆ “They acted like they could understand how someone could do this.”
- ◆ “He gave me a way out. He said he knew how these things happen and why guys do it. He seemed to understand.”

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## More Comments

- ◆ "He told me why it would be better to just tell the truth."
- ◆ "They spent a lot of time talking to me about how things like this happen."
- ◆ "He told me it wasn't about me, it was about knowing what happened, so they could get the victim the right kind of help."
- ◆ "They told me they weren't there to find out if I did it, just why."

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## More Comments

- ◆ "I knew I was hurting my victim but I didn't know how to stop. I guess I was relieved when the cops showed up. I needed someone else to stop me."
- ◆ "He warmed me up first, really got to know me, made me feel at ease."
- ◆ "She made me sing like a canary, she convinced me it was no big deal, said she was just taking a statement and put me at ease."

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## More Comments

- ◆ "They came in and caught us together. One cop took her in the other room and started questioning her while the other one kept me in the living room. I could hear the cop talking to her. He was talking to her about being a rape victim. I knew the way he was talking to her, he was going to screw her up more, so I confessed so he'd stop talking to her."
- ◆ "While they were talking to me they said they understood how someone could do something like that, I didn't feel like such a monster."

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## More Comments

- ◆ "The cop told me they had everything they needed and just wanted to hear my side for the record."
- ◆ "He took his time with me. He was patient and really seemed to want to see it from my point of view."
- ◆ "Even though I knew he was doing his job, he treated me fair."
- ◆ "He didn't even treat me like a pervert."

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## More Comments

- ◆ "I told him because I knew what I'd been doing was wrong, and I knew it was. I was sorry."
- ◆ "For a detective, he was polite and friendly, he was easy to talk to, just like a friend and he understood."
- ◆ "There were two of them, even though I knew they were doing that good cop/bad cop thing, I still told the nice one everything."
- ◆ "The cop told me lying would only hurt my family more."

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## More Comments

- ◆ "I knew that calling her a liar would make me look like an ass."
- ◆ "They interrogated me for four hours, told me they knew I was lying. I think they just wore me down."
- ◆ "He took me outside and talked to me there. He didn't embarrass me in front of my family, he let me save my self-respect and I felt like I owed him."
- ◆ "He was straightforward with me and didn't seem fake at all. Now I know he probably was."

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## Comments

- ◆ "It's funny, I knew the tape recorder was on, but after a while, I forgot about it."
- ◆ "He told me he wasn't there to judge me and I was tired of living a lie."
- ◆ He was cool, he had me meet him at Starbucks and it seemed so non-threatening. I guess I didn't really understand what was happening."
- ◆ "The cop told me what would happen to the victim if I lied. That she would have to go to court and testify in front of people. I just couldn't do that."

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## Comments

- ◆ "The cop told me she'd been interviewed by the child abuse center and gave a very clear statement about what I did. I could just imagine how that turned out."
- ◆ "If it had just been one girl I would have lied, but I knew it wouldn't work to say both of them were lying."
- ◆ "They had the victim call me while they recorded me. I knew it was being recorded but I still admitted, I couldn't call her a liar on the phone."

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## *Suspect Confessions of Child Sexual Abuse to Investigators . (Lippert, et al. 2010)*

- ◆ Lippert study examined 282 cases
- ◆ Suspects were 3 ½ times more likely to confess when child had undergone sound forensic interview and disclosed.
- ◆ Suspects twice as likely to confess when corroborating witnesses interviewed.

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## Other Findings

- ◆ 64% confessed when children's disclosures and medical evidence "was strong" (Faller & Henry 2000).
- ◆ Evidence of abuse against another child was strongly related to confession (Faller & Henry 2000).

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## Medical Findings of CSA

- ◆ Heger, et al. 2002
  - ◆ 5 year prospective study of 2384 children
    - 96.3% had "normal medical findings."
- ◆ Kellog, et., al., 2004
  - 36 pregnant teens, only 2 showed evidence of penetration
- ◆ Adams, et al., 2009
  - 236 children, mean age = 9
  - "suspicious" findings in 9% and abnormal in 14%
- ◆ Anderst, et al., 2009
  - 506 CSA victims
  - "Most victims who reported repetitive penile-genital contact with some degree of perceived penetration had no definitive evidence of penetration on the hymen."

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## *What Sex Offenders Can Teach Us About Interviewing (Jewell Jensen, 2008) "Deniers"*

- ◆ "I'd been arrested before so I knew what would happen if I talked. There was nothing he could have said or done that would have made any difference."
- ◆ Officer "played games."
- ◆ Was "mean," hostile and threatening."
- ◆ "The whole time I was sitting there, I knew it would ruin my whole life and that they didn't even care."

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## Comments

- ◆ “The minute he turned on the tape recorder, I clammed up.”
- ◆ “They played a bunch of word games and just kept trying to trip me up.”
- ◆ “I knew what they were doing, they must have thought I was stupid.”
- ◆ “I knew the more I told, the longer I’d do, so I only admitted what they knew. ”

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## Comments

- ◆ “My life was already in shambles, one more person threatening me wasn’t going to make any difference.”
- ◆ “I wasn’t going to tell them anything. I knew I’d lose my job, my career, my family, my house and everything else I owned. My fear kept my lying and denying.”
- ◆ “I was worried about what he thought about me and I didn’t want him to think I was a pervert or some kind of predator.”

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## Comments

- ◆ “He almost had me but he gave up too soon.”
- ◆ “He harassed me at work, made promises he never kept, lied about what I said.”
- ◆ “The more frustrated he got, the more fun I had. I loved watching him squirm. ”

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## Specific Tactics

- ◆ Make sure it has some truth in it.
- ◆ Rehearse your story so you tell it the same way
- ◆ Maintain eye contact but don’t stare.
- ◆ Use fluid, non threatening hand gestures.
- ◆ Have good manners/vocabulary/hygiene.
- ◆ Show feelings of disgust for child molesting/molesters.
- ◆ Point out your good behavior.
- ◆ How can you believe I would do something like that?
- ◆ Deny it, say you were never alone, etc.
- ◆ “You can check my record.”

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## What Works: The Basics

- ◆ Experience
- ◆ Two year rotation
- ◆ Personality
- ◆ Attitude
- ◆ Observing other detectives
- ◆ Getting feedback
- ◆ Tracking your confession rate

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## Case Preparation

- ◆ Victim Interview
- ◆ Witness Interviews
- ◆ Criminal History
- ◆ Additional Suspect Information
- ◆ Pre-Text Phone Calls
- ◆ Making educated guesses about other potential victims to interview and add to case.

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## “What Works” Interview lines: Minimizing

- ◆ “Look everybody has problems, some people drink, some gamble, some beat their wives and others have problems touching kids. Its not like you’re a murderer or a rapist. It looks to me like you just made a mistake here.”
- ◆ “It’s not like you are some freak, running around raping kids on the playground or something.”
- ◆ “It’s easy to understand how these things happen, just look at all the sex in society, everybody’s having trouble with it, just look at the news.”

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## Minimizing

- ◆ “Could it be that you were just trying to share love with her and it just went the wrong way?”
- ◆ “I’ve seen way worse stuff, what this is, just isn’t that big a deal, it’s just touching, it wasn’t like you were trying to hurt them.”
- ◆ “We all have things that just get out of control in our lives, urges you just can’t control.”
- ◆ “At least you didn’t rape her. You aren’t that kind of person are you?”

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## Minimizing

- ◆ “A lot of eight and nine year old girls are developing earlier and know more about sex these days, I can see how someone might get themselves in trouble this way.”
- ◆ “You know, I’ve seen Ashley and I can certainly understand how you ended up feeling attracted to her.”
- ◆ “Did you do this a lot, or just once.”
- ◆ “Did you penetrate or just rub.”
- ◆ “Did she get on top of you?” (victim the actor)
- ◆ “Did it go in? (softening)

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## Minimizing

- ◆ “In these kinds of cases, we just want to get both sides of the story.”
- ◆ “If we thought you were a dangerous person, we wouldn’t be having this conversation, we’d be arresting you. We know you aren’t like those other guys.”
- ◆ “Now in your mind, was what happened forced, or consensual?”

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## Empathy and Understanding

“It’s ok if you change your story as we go along. I know it’s hard to admit these kinds of things and talk about them. As you get to feeling more comfortable it will be easier to talk about and I won’t think badly of you for that.”

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## Maximization: Playing the Odds

“Think about it this way, imagine you are on a jury and you hear some poor little kid have to testify about being molested. Then, you hear this guy come in, with all the excuses and bullshit you’re giving me, who would you believe? And then, when it came time to dole out the punishment, what would you do if you thought the guy did it, then lied about it and forced the poor kid to testify?”

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## Playing the Odds

- ◆ “Most people know kids lie to keep out of trouble, not about stuff like this. Most kids don’t even want to talk about this kind of stuff, everybody knows that.”
- ◆ “Do you know there are studies that prove fewer than 5% of cases are false allegations and that people on juries know that.”
- ◆ “You already admitted she’s a good kid, does well in school, helps around the house and now you’re telling me she’s a liar and would set you up like this?”

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## Guilt

- ◆ After “visiting” about the suspect’s background, family history, jobs, hunting/sports, etc.....
- ◆ “So lets start at the beginning, tell me how you first met Ashley, how did the relationship evolve, the kinds of things you two liked to do together and what kind of relationship you had.....”
- ◆ What kind of girl is she, what does she like, enjoy doing.....
- ◆ Explain to suspect that Ashley described some parts of the relationship similarly, that she liked him, didn’t want to cause him any trouble..

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## Playing the Odds

- ◆ “You need to know that when I write my report, I’m going to write either, he denied it at first, but the more we talked, the more he told the truth and finally did the right thing, or I talked to this guy for three hours and he just kept lying to me.”

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## Playing the Odds

“Look, think about this, six months from now, a lot of people are going to read these reports and have to make decisions about you. They will have to decide what kind of person you are. Do you want them to think you are a liar, or someone who knows they made a mistake and was trying to make things right.”

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## Playing the Odds

“I want to make sure I understand what you are saying. (Then repeat back lies). How do you think that sounds? Doesn’t that sound ridiculous to you?”

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## Playing the Odds

- ◆ “The biggest thing I ask for is honesty from you because when people lie, they usually get themselves in more trouble in the end.”
- ◆ “Your lies are making you look worse than I thought you were. Are you sure you want to keep going down this path?”

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## Guilt

“I know you must really care about her because I could tell by the way she talked about you, she really cares about you. She isn’t mad at you, she doesn’t want anything bad to happen to you, she doesn’t want you to be mad at her either, she just wanted it to stop.”

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## Guilt

- ◆ “Are you religious, oh, a Catholic? So am I, were you an altar boy too? You learned about sin and what happens to people who sin right? They go to hell forever. What could you do to avoid that right now?”
- ◆ “I hear you were in the military, what would Oliver North say you should do?”

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## Child Abuse Detective from Alabama

- ◆ “I can see you are struggling. Are you a religious man? Why don’t we just sit here and pray about what you should do.”
- ◆ “If you are able to get away with this and leave here, what do you think will happen to you.”

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## “Man Up”

- ◆ “I know you are a man and want to do what a man would do and take responsibility for what happened. You aren’t the kind of man who would lie or put the blame on a kid are you?”
- ◆ “You want your family to be able to respect you when this is all over. To do that, they need to know you told the truth, you stepped up. You have to set an example for your boys. “

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## Apology Letters

- ◆ “I bet you’d feel a whole lot better about yourself if you wrote her a letter apologizing for what happened between the two of you. It would also show that you know what you did is wrong and people will think better of you for doing that.”
- ◆ “If you could get a message to the victim, what would you say?”

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## After the Confession

- ◆ “Is there anything I forgot to ask you about?”
- ◆ “Have I done anything to threaten or intimidate you, or have I promised you anything?”
- ◆ “Anything you would like the Court to know?”
- ◆ “What do you think should happen to you?”
- ◆ “So, why did you tell me all this stuff?”
- ◆ “Is there anything you could tell me to help me do a better job with people who are in your situation in the future?”

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## Interviewing Perpetrators of Sexual Crimes. (Sullivan, 2013)

- ◆ Knowing how they manipulated victim and other adults will tell you how they will interact with you.
- ◆ If suspect is unwilling to engage in conversation about offense, get them to engage in conversation about other things so jury will see offense is the only topic he would not talk about.
- ◆ Possibly try to throw him off by asking about male victims and possibility of homosexuality or very young victims.

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## Child Molesters In General

- ◆ "I am looking for features of your early life that help me understand your problem/situation."
- ◆ "Looking back, are there any experiences that may have shaped or maybe contributed to your sexual interest/interactions with children?"
- ◆ "How old were you when you had your first sexual encounter?"
- ◆ "Who did you first masturbate with?"
- ◆ What kind of sexual contact did you have with other boys? Undergarments? Animals?"

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## Offender Types and Possible Strategies

- ◆ "Incest Offenders"
- ◆ Pedophiles
- ◆ Rapists
- ◆ Psychopaths

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## "Incest Offenders"

- Talk about the harm done by child sex abuse.
- Harm done by continuing to lie.
- Harm done by the lack of support for the victim.
- Additional consequences of spouse finding out they lied.
- Potential gains from treatment.
- How it will look better to everyone.
- "Man/father up."

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## Family Guilt

- ◆ "How do you want your daughter/son to look back on how you handled this right now, that you covered your own ass, or did what was right for them?"
- ◆ "Your daughter/son is going to need a lot of help to get over the trauma of being molested by their dad, the sooner they can start dealing with it, the better. If you lie, it will delay the healing for everyone."

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## Pedophiles

- Sexual development of pedophilic arousal (early sexualization via peer play, abuse, incest, exposure to pornography or adult sexuality.)
- Pro-pedophilic attitudes and behaviors.
- Recent impact of exposure to child pornography and pro-pedophilic attitudes via the environment or Internet.
- Suspect's inability to control it on his own, without professional help.

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## Pedophiles

- ◆ “You know most people who do this had some sort of early sexual experience with other children long before they come to our attention. Can you tell me about your early sexual experiences with children and how this developed for you?”

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## Pedophiles

- ◆ “So, what you’re telling me is that you were trying to teach her about sex, right? I could see how it might seem like it’s better for a kid to learn about that from someone close, someone who cares. Is that what you were trying to do? I’ve been doing this for a long, long time, I’m probably the only person who can understand how you got yourself in this situation.”

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## Pedophiles

- ◆ “A lot of men like you had trouble when they were a kid, got too involved in sex, maybe got abused, started touching kids this way and it just became a way of life. I bet you’ve been dealing with this for a long, long time. You probably just need the right kind of help.”

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## Rapists

- Pro-rape attitudes and behaviors (see Bumby)
- Generic criminal attitudes and behaviors (entitlement, antisocial personality, Psychopathy, criminal record)
- History of childhood physical abuse, observation of parental violence/maternal rape. Use of pornography, cross-over behaviors.
- Anger, poor self-regulation, sex as coping skills, impulsive behavior, D/A

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## Rapists

- ◆ “I know things can get a bit out of control sometimes, maybe a little rough, but the best thing you can do for yourself and your relationship is admit what happened and move on with things.
- ◆ “Sometimes things get heated, and people take things wrong.”
- ◆ “Maybe it was partly her fault?”

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## Psychopaths

- Criminal background check first
- Collateral interviews first (lying, stealing, exploitation, entitlement, PCL traits).
- Generic criminal thinking.
- Polygraph?

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## *"Telling Lies: Clues to Deceit in the Marketplace, Politics and Marriage"* Eckman, 1985

- ◆ No clue to deceit is reliable for all human beings.
- ◆ Many of the things we believe to be signs of deception are not, and many of the things we believe to be signs of truthfulness are not.
- ◆ Therefore, people frequently disbelieve the truthful and believe the dishonest.

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## Lies.....

- ◆ When most people lie, their most evident expressions, which we pay the most attention to, are the false ones.
- ◆ The subtle signs of true emotion are the "fleeting hints" of concealed emotions, are usually missed.
- ◆ Natural experienced liars know about their ability.

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## And more lies.....

- ◆ We should always consider the possibility that a suspect might be an unusually gifted performer.
- ◆ Some people view their behavior in a distorted manner, eliminating any chance of guilt, shame or confession.
- ◆ Other suspects may feel excitement, either when anticipating the challenge or during the very moment of lying.

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## Other findings/speculations

- ◆ Special interest in deception detection and advanced training were correlated with accuracy.
- ◆ Age, gender and job experience were not.
- ◆ In some groups, age was negatively correlated (>40).
- ◆ Desk jobs diminish accuracy.

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*"Most of us would do well to entertain some skepticism about our ability to detect deception" based solely on demeanor." Eckman, 1999*

- ◆ Confidence in ability was not correlated.
- ◆ Increased accuracy appeared to be based on the ability to spot and decode emotional non-verbal cues on the face.
- ◆ Professional whose case loads involve a low base rate of deception do better than those with a high base rate.

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## Many Thanks to Some of Oregon's Finest

- ◆ Clackamas County Sheriff's Office
- ◆ Department of Justice
- ◆ Gresham Police Dept.
- ◆ Lake Oswego Police Dept.
- ◆ Linn County Sheriff's Office
- ◆ Marion County Sheriff's Office
- ◆ Multnomah County Sheriff's Office
- ◆ Portland Police Bureau
- ◆ Newberg Police Dept.
- ◆ West Linn Police Dept.

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